

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

Ronald A. Hollon, Sr.,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 2:06-CV-1099-WKW-CSC
)	
CSX Transportation, Inc.,)	
)	
Defendant.)	

**DEFENDANT’S NOTICE OF FILING IN SUPPORT OF
DEFENDANT’S MOTION FOR SUMMARY JUDGMENT**

Defendant CSX Transportation, Inc. (“Defendant” or “CSXT”) hereby gives notice of filing of the following declarations, deposition transcripts and exhibits:

- 1) Deposition transcript and exhibits from the deposition of Ron Hollon;
- 2) Deposition transcript and exhibits from the deposition of Travis Mikel (“Mike”) Pendergrass;
- 3) Deposition transcript and exhibits from the deposition of Rod Workman;
- 4) Declaration of Mike Pendergrass;
- 5) Declaration of Rod Workman;
- 6) Declaration of Frank Leyhew; and
- 7) Declaration of Rebecca Callahan.

This 30th day of November, 2007.

[signature on next page]

Respectfully submitted,

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CSX Transportation, Inc.

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

Ronald A. Hollon, Sr.,

Plaintiff,

v.

CSX Transportation, Inc.,

Defendant.

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Civil Action No. 2:06-CV-1099-WKW-CSC

CERTIFICATE OF SERVICE

I hereby certify that on November 30, 2007 I electronically filed the foregoing **NOTICE OF FILING IN SUPPORT OF DEFENDANT'S MOTION FOR SUMMARY JUDGMENT** the Clerk of Court using the EM/ECF system, which will automatically send e-mail notification of such filing to the following attorney of record. I also certify that I served a copy via U.S. mail:

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/s/ William C. Barker
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1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE MIDDLE DISTRICT OF ALABAMA
3 NORTHERN DIVISION
4
5

6 RONALD A. HOLLON, SR.,

7 Plaintiff,

CIVIL ACTION

8 VS.

FILE NO. 2:06-CV-1099-WKW

9
10 CSX TRANSPORTATION, INC.,

11 Defendant.

12 **COPY**

13
14 * * * * *

15
16 VIDEOTAPED DEPOSITION OF RONALD A. HOLLON,
17 SR., taken on behalf of the Defendant, pursuant to
18 the stipulations set forth herein, before Jeana S.
19 Boggs, Certified Court Reporter and Notary Public,
20 at the offices of Boggs Reporting & Video, 492
21 South Court Street, Montgomery, Alabama, commencing
22 at approximately 9:00, Wednesday, September 19,
23 2007.

1 APPEARANCES OF COUNSEL

2 FOR THE PLAINTIFF:

3 HONORABLE GARY ATCHISON

4 Attorney At Law

5 492 South Court Street

6 Montgomery, Alabama 36104

7 334.262.7232

8 FOR THE DEFENDANT:

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10 Attorney At Law

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16 * * *

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2 STIPULATION

3 It is hereby stipulated and agreed by and
4 between counsel for the respective parties and the
5 witness that the videotaped deposition of RONALD A.
6 HOLLON, SR., is taken pursuant to notice and
7 stipulation on behalf of the Defendant; that all
8 formalities with respect to procedural requirements
9 are waived; that said deposition may be taken before
10 Jeana S. Boggs, Certified Professional Reporter and
11 Notary Public in and for the State of Alabama At
12 Large, without the formality of a commission; that
13 objections to questions, other than objections as to
14 the form of the questions, need not be made at this
15 time, but may be reserved for a ruling at such time
16 as the deposition may be offered in evidence or used
17 for any other purpose as provided for by the Federal
18 Rules of Civil Procedure.

19 It is further stipulated and agreed by and
20 between counsel representing the parties in this
21 case that the filing of the videotaped deposition of
22 RONALD A. HOLLON, SR., is hereby waived and that
23 said deposition may be introduced at the trial of

1 this case or used in any other manner by either
2 party hereto provided for by the Statute, regardless
3 of the waiving of the filing of same.

4 It is further stipulated and agreed by and
5 between the parties hereto and the witness that the
6 signature of the witness to this deposition is
7 hereby not waived.

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1 THE REPORTER: This is in the United
2 States District Court, Northern
3 Division, in the case of Ronald A.
4 Hollon, Sr., Plaintiff, versus CSX
5 Transportation, Inc., Defendant,
6 Civil Case No. 2:06-CV-1099-WKW.
7 My name Jeana Boggs, Court
8 Reporter with Boggs Reporting &
9 Video. Today is Wednesday,
10 September, 19th, 2007. The time
11 is approximately 9:16. Also
12 present is Leighton Boggs,
13 Videographer, with Boggs Reporting
14 & Videographer.

15 MR. BARKER: Cory Barker for CSX
16 Transportation.

17 MR. ATCHISON: And Gary Atchison for
18 the Plaintiff Ronald Hollon.

19 THE REPORTER: Would you raise your
20 right hand, please.

21 (At which time, the witness
22 was sworn.)

23 * * *

1 RONALD A. HOLLON, SR.,
2 of lawful age, having been first duly sworn, was
3 examined and testified as follows:
4

5 DIRECT EXAMINATION

6 BY MR. BARKER:

7 Q Mr. Hollon, my name is Cory Barker. I'm the
8 attorney for CSX in the lawsuit that you
9 have brought against the company. Could you
10 state your full name for the record, please.

11 A Ronald Alexander Hollon, Senior.

12 Q And -- and have you ever been known by any
13 other names?

14 A Ron.

15 Q Okay. Never -- Never had any other last
16 names or anything like that?

17 A No, I have not.

18 Q That may seem like a strange question, but
19 you'd be surprised.

20 Your deposition today is being
21 taken as part of your participation in this
22 lawsuit. Do you understand that?

23 A Yes.

1 Q And you understand that your testimony today
2 is under Oath just like you were giving it
3 in a court of law?

4 A Yes, I do.

5 Q All right. And that this deposition will be
6 used for a variety of purposes throughout
7 your lawsuit; do you understand that?

8 A Yes.

9 Q And the Court Reporter here today will
10 create a written transcript of your
11 deposition. Essentially, it will be like a
12 book where my questions and your answers and
13 any objections or questions your attorney
14 asks later in the deposition will be
15 recorded. Do you understand that?

16 A Yes.

17 Q All right. One of the most important things
18 that we need to do in this deposition today
19 is to make sure that everything is as clear
20 as possible, what you say is clear, what I
21 say is clear, so that this -- this
22 transcript that she creates is as accurate a
23 recording of what has transpired. Okay?

1 A Okay.

2 Q There are some things that we need to do to
3 make sure that happens. First, if I ask you
4 a question and you don't -- you're not sure
5 what I'm asking or if you're not clear about
6 the question, you can ask me to explain it
7 or to clarify it. I'll be happy to do that.
8 All right?

9 A Okay.

10 Q Otherwise, I'm going to assume that your
11 answers are to the questions that I have
12 asked.

13 It's very important that your
14 testimony be verbal. So, if I ask you,
15 like, a yes-or-no question, for example,
16 it's important you say yes or no, or
17 whatever the appropriate answer is, as
18 opposed to uh-huh (positive response) or
19 uh-uh (negative response) or anything like
20 that, or shrugging or shaking your head or
21 anything like that. It may seem like just
22 you and I are talking here in this
23 conference room here today, but, you know,

1 the Court Reporter has to interpret what
2 you're saying when you're not giving a
3 verbal answer. And so, for the purpose of
4 the clarity, it's easiest if you do give a
5 verbal answer. Okay?

6 A Okay.

7 Q Last but not least, sometimes you may
8 anticipate what my question is going to be
9 before I finish it. It's important that we
10 try not to interrupt each other. I'll try
11 not to interrupt you, and I'd appreciate it
12 if you'd try not to interrupt me. Okay?

13 A Okay.

14 Q Otherwise, it's hard for her to record when
15 we're both talking at the same time.

16 I'm going to show you this
17 document what I've marked as Exhibit Number
18 One.

19 (At which time, the referred-
20 to document was marked as
21 Defendant's Exhibit No. 1 by
22 the Reporter.)

23 Q Have you ever seen that document before?

1 MR. ATCHISON: Cory, I don't think I've
2 provided him a copy of this, but
3 we'll acknowledge that we received
4 deposition notice --

5 MR. BARKER: Okay.

6 MR. ATCHISON: -- for today's
7 deposition. We so stipulate.

8 MR. BARKER: Okay.

9 BY MR. BARKER:

10 Q Have you ever given a deposition like this
11 before, Mr. Hollon?

12 A I've been in -- in on a deposition for the
13 company.

14 Q Okay. When you say you've "been in on a
15 deposition," did you answer questions, or
16 did you just watched a deposition?

17 A I answered questions.

18 Q Okay. What circumstances was that in?

19 A It was a crossing lawsuit against the
20 company.

21 Q All right. So, somebody was in an accident
22 at a train crossing; is that right?

23 A That's correct.

1 Q All right. Was it a vehicular accident?

2 A Yes, it was.

3 Q All right. And were you a part -- Were you
4 named in the lawsuit, or were you just a
5 witness somehow?

6 A I was a witness for the company. I was the
7 trainmaster on duty when the incident
8 happened.

9 Q Okay. And do you recall how many years ago
10 that was?

11 A It was probably the fall of '06.

12 Q Okay. Have you given depositions in any
13 other circumstances?

14 A No, I have not.

15 Q Have you ever been a party to a lawsuit
16 before?

17 A A class action, yes.

18 Q Okay. Is that a -- was that a Fen-Phen
19 lawsuit?

20 A That's correct.

21 Q Do you remember when that was?

22 A No, I cannot recall the exact date.

23 Q Did you have to give any kind of testimony

1 as part of that lawsuit?

2 A No, I did not.

3 Q All right. Did you just complete the
4 paperwork, essentially?

5 A That's correct.

6 Q All right. Were you named in the lawsuit,
7 or did you just receive some papers in the
8 mail about how to participate?

9 A Papers in the mail how to participate.

10 Q Okay. Did you ever meet with the -- any
11 attorneys in that lawsuit?

12 A No, I did not.

13 Q Okay. Everything that you did was via mail?

14 A That's correct.

15 Q And did you receive any payments as part of
16 that lawsuit?

17 A Yes, I did.

18 Q How much did you receive?

19 A As I can recall, it was around eight
20 thousand (\$8,000) dollars.

21 Q All right. And do you remember what year
22 that was?

23 A No, I do not.

1 Q More than five or less than five years ago?

2 A More than five.

3 Q All right. So, you've never sued anyone
4 before or been sued by anyone before?

5 A No, I have not.

6 Q Have you ever testified in any kind of other
7 legal proceeding?

8 A No, I have not.

9 Q Okay. Have you ever declared bankruptcy
10 before?

11 A No, I have not.

12 Q Have you ever been arrested before?

13 A No.

14 Q What did you do to get ready for your
15 deposition today?

16 A What did I do?

17 Q Uh-huh (positive response).

18 A Just re-collected the incidence that took
19 place during the time period.

20 MR. BARKER: I'm going to instruct him
21 not to testify about any
22 communications that he had with
23 his attorney.

1 Q Yeah, I'm not asking you -- Did you meet
2 with your attorney?

3 MR. BARKER: You can testify that you
4 met with me, but you cannot
5 testify as to anything that you
6 and I said in that -- in that
7 meeting.

8 A Yes, I did.

9 Q All I'm asking is whether you had a meeting.

10 A Yes, I did.

11 Q I don't want to know what was said.

12 A Yes, I did.

13 Q All right. When was that meeting?

14 A Yesterday.

15 Q How long did you-all meet for?

16 A Probably 30 or 45 minutes.

17 Q Okay. Did you talk -- Other than your
18 attorney, was there anybody else present at
19 that meeting?

20 A Doug was.

21 MR. ATCHISON: My legal assistant.

22 Q Okay. Have you talked with anybody else
23 about your deposition?

1 A No, I have not.

2 Q Did you talk with any of your family members
3 about your deposition?

4 A I discussed with my wife that it was going
5 to take place today; but other than that,
6 that was all that was said.

7 Q Okay. Did you talk with any of your
8 co-workers about your deposition?

9 A Other than marking off for today for the
10 deposition, that was the only thing that was
11 said.

12 Q All right. Who did you -- Did you have to
13 communicate with somebody, or did you just
14 write down the schedule that you would not
15 be there today?

16 A Well, I had to notify the -- there's the
17 steno clerk that wrote it in the book that I
18 would be off today.

19 Q Okay. And who was that steno clerk?

20 A Beverly Doorman.

21 Q Okay. Did you have to tell her why you
22 wouldn't be there or just that you would not
23 be there?

1 A Well, I told her that -- I told her that I
2 would be off for a company deposition.

3 Q Okay. And the steno clerk keeps track of,
4 you know, absences and attendance and things
5 like that for your current position; is that
6 correct?

7 A Well, any clerk keeps the journal of who
8 marks off on vacation, personal leave, sick,
9 whatever, yes.

10 Q Okay. So, there are -- there are multiple
11 clerks, and the particular one that you
12 spoke to was the steno clerk; is that right?

13 A That's correct.

14 Q Did you look at any documents to get ready
15 for your deposition today?

16 MR. ATCHISON: Again, I -- I would
17 object if it involves attorney/
18 client communications.

19 Q You can answer whether you --

20 MR. BARKER: He can answer whether he
21 did or did not look at documents.

22 MR. ATCHISON: Go ahead and answer,
23 please.

1 A Yes, I did.

2 Q All right. Now, and your attorney
3 apparently is going to instruct you not to
4 testify about the documents that you've
5 reviewed; is that correct?

6 MR. ATCHISON: Go ahead and testify. I
7 mean, the -- the documents are
8 part of the Court proceeding.
9 That's fine.

10 Q Do you remember what documents you looked
11 at?

12 A I looked at some -- at notes that I had
13 written on various positions that I had
14 applied for, people who were awarded these
15 positions. Basically, that was about it.

16 Q Right. Were these documents that you had
17 had that you brought to your attorney when
18 you filed your lawsuit or at some point
19 afterwards?

20 A Probably both, yes.

21 Q Okay. Were they -- When you say "notes," do
22 you -- did you keep any kind of diary or log
23 about your experiences at CSX?

1 A What period are you referring to, my entire
2 railroad career?

3 Q At any -- at any point.

4 A Notes, positions that I applied for, yes.

5 Q All right. So, when did you start keeping
6 these notes?

7 A Well, I usually -- any position that I
8 applied for, I usually print out the
9 application so you have record or proof that
10 you did apply for it.

11 Q Okay. And did you keep those applications
12 that you submitted?

13 A There are some I did. There are some I did
14 not.

15 Q Okay. Did you make handwritten notes on
16 some of them too?

17 A Yes, I have.

18 Q All right. And have you provided copies of
19 any of those applications or notes to your
20 attorney that you personally have in your
21 possession?

22 A Yes, I have.

23 Q All right. Do you have any other notes or

1 documents that you think relate to your
2 lawsuit that you have not provided to your
3 attorney?

4 A At this time, no.

5 Q Okay. Are there any reasons that can think
6 of why you cannot answer my questions today
7 completely, accurately, and truthfully?

8 A Repeat that.

9 Q Are there any reasons why you cannot answer
10 my questions today completely, accurately,
11 and truthfully?

12 A I don't see there's -- if there's any reason
13 I cannot.

14 Q Okay. I speak quickly sometimes. So, if I
15 talk -- if you need me to repeat something,
16 I'll be -- I'll be happy to do that.

17 A Thank you.

18 Q Are you taking any medication, or do you
19 have any health conditions that affect your
20 ability to remember things or to understand
21 things?

22 A No.

23 Q Have you ever been convicted of a crime?

1 A No.

2 Q All right. What is your date of birth?

3 A November the 14th, 1959.

4 Q All right. And where were you born?

5 A Prattville.

6 Q All right. And Prattville is near

7 Montgomery here; is that right?

8 A Autauga County, yes.

9 Q Thirty minutes or so away?

10 A Yes.

11 Q What is your current address?

12 A 2341 County Road 61, Deatsville, Alabama.

13 Q All right. And how long have you lived
14 there?

15 A Since 1988.

16 Q And who lives there with you?

17 A My wife and two children.

18 Q All right. What is your wife's name?

19 A Ramona.

20 Q Okay. Does she work?

21 A Yes, she does.

22 Q Where does she work at?

23 A The Board of Education for Autauga County.

1 Q All right. Is she a teacher?

2 A No. She works with the special education.

3 Q Okay. Does she teach special education, or
4 does she work for -- actually for the
5 Department of Education like in an
6 administrative capacity?

7 A Actually, she's a job coach for kids that
8 cannot actually get a diploma, high school
9 diploma.

10 Q Okay. And that's in Autauga County; is that
11 right?

12 A That's correct.

13 Q Are there -- Does she work out of a
14 particular school or is there a set of
15 schools that she works out of or an
16 administrative office?

17 A She works out of an administrative office.

18 Q Okay. Do you have any other adult
19 relative -- well, let me back up a second.
20 How old are your children?

21 A 15 and 17.

22 Q Okay. Do you have any adult relatives that
23 live in the Montgomery area other than your

1 wife?

2 A Are you talking about the tri-county area?

3 Are you talking about -- What area are you
4 referring to?

5 Q I'm -- I'm talking about -- let's say, you
6 know, south of Birmingham, north of Mobile.

7 A I would say, yes.

8 Q Okay.

9 MR. ATCHISON: Are you referencing the
10 Middle District?

11 MR. BARKER: Yes, I'm trying to get the
12 geographic designation that makes
13 sense to any other human beings,
14 except for lawyers.

15 Q And I guess east of Selma.

16 A Yes.

17 Q All right. Can you name -- name those for
18 me?

19 A There's too many to list.

20 Q Okay. Do you have -- Are your parents
21 living?

22 A No, they're both deceased.

23 Q All right. Do you have any brothers or

1 sisters that live in that geographic
2 description I gave you.

3 A Yes, I do. I have six brothers and sisters.

4 Q Okay. What are your brothers' and sisters'
5 names?

6 A Do you want their full name?

7 Q Yeah.

8 A Their married name?

9 Q Their married name, their current names.

10 A Okay. Annette Raines.

11 Q Okay. Is that your -- one of your sisters?

12 A That's my oldest sister.

13 Q All right. Where does she live?

14 A She probably lives within a mile from me.

15 Q Okay.

16 A Robert Hollon, that's my older brother,
17 probably within a mile.

18 Q Okay.

19 A Carolyn McGowan, she lives in the City of
20 Prattville. Kay Morgan, probably a half a
21 mile from me.

22 Q Okay.

23 A Steve Hollon, he lives in Prattville,

1 probably 10, 15 miles from me. Rodney
2 Hollon, he lives within a mile from me.

3 Q Okay. The reason I ask that if there's a --
4 were to be a -- if there were to be a jury
5 trial in this case, you know, one of the
6 things we would ask the people who might be
7 potential jurors is if they knew you or were
8 related to you. We wouldn't want one of
9 your brothers or sisters or relatives to be
10 on the jury. So, it's important that we
11 understand who your relatively close adult
12 relatives are.

13 Do you have any aunts or uncles
14 that are still living that live in that
15 area?

16 A I have one aunt -- well, I have two aunts
17 that are living. One lives within that
18 area.

19 Q Okay. What is her name?

20 A Polly Ross.

21 Q All right. And where does she live?

22 A She lives probably within five miles of me.

23 Q Okay. Do you have any nieces or nephews

1 that are over the age of 18 that live in
2 that area?

3 A Yes, I do.

4 Q Any -- Can you name them?

5 A Yes.

6 Q Okay.

7 A Alex Hollon, Vicki Johnson, Karen Meznick --
8 Kara Meznick, Joshua Hollon, Jeremy Hollon,
9 and those are the only ones that live within
10 this area.

11 Q Okay. Have you ever been married before?

12 A No, I have not.

13 Q Okay.

14 MR. ATCHISON: You're talking about
15 before his present marriage?

16 Q Before your present marriage.

17 A This is the one and only. No, I have not.

18 Q Very impressive.

19 Are you a member of any social or
20 civic organizations in the Montgomery area?

21 A No, I'm not.

22 Q Are you a member of any religious
23 organizations? Do you go to a church on a

1 regular basis?

2 A Recently, no, I have not.

3 Q Right. When you say "recently," how far
4 back are you referring to?

5 A Probably been about five years.

6 Q Okay. Are you a -- currently member of a
7 union?

8 A Yes, I am.

9 Q What union are you a member of?

10 A Actually two, the UTU.

11 Q And the UTU is the -- Could you state what
12 the full name of the UTU is for the record,
13 please?

14 A I'm trying to recall because it's
15 basically -- I'm a TCU union member, which
16 has to do with the telecommunications clerk
17 union.

18 Q Okay.

19 A Because at the beginning, I was a clerk;
20 then I became a yardmaster, which belongs to
21 the United Transportation Union, UTU.

22 Q Okay. Is the TCU part of the UTU, or is it
23 a separate union?

1 A It's a separate union.

2 Q All right. Do you still pay dues to the
3 TCU?

4 A I pay associate dues, yes.

5 Q Okay. And you pay primary dues to the UTU;
6 is that right?

7 A That's correct.

8 Q Your current job is covered -- is covered as
9 a UTU job; is that right?

10 A That is correct.

11 Q Have you ever been a member of any other
12 unions?

13 A Those are the only two.

14 Q Okay. Do you have any relatives who work
15 for CSX?

16 A I have a distant cousin.

17 Q When you say "distant," you -- like, more
18 than second cousin?

19 A Yeah. Probably about fifth or sixth.

20 Q All right. Where did you go to high school
21 at?

22 A Marbury.

23 Q Is that in Marbury, Alabama?

1 A Yes.

2 Q Okay. And what year did you graduate?

3 A 1978.

4 Q All right. Since graduating from high
5 school, did you obtain any formal education?

6 A Yes. Some.

7 Q All right. Can you list for me the -- the
8 post high school formal education you
9 received?

10 A Massey Draughon Junior College --

11 Q Okay.

12 A -- accounting; Trenholm Technical College,
13 that was an EMS.

14 Q Okay.

15 A Troy State and Auburn University in
16 Montgomery.

17 Q Okay. So, the Troy State in Montgomery?

18 A That's correct.

19 Q All right. And Auburn University in
20 Montgomery?

21 A That's correct.

22 Q Did you pursue a degree program in either
23 one of those schools?

1 A Yes, but I never did receive the degree.

2 That's correct.

3 Q Do you remember approximately how much
4 credit total you received between the two of
5 them?

6 A It's probably, like, sophomore or early
7 junior.

8 Q Okay. Now, you received a -- an EMS, you
9 said, certification; is that right?

10 A That's correct.

11 Q And then you took accounting courses at
12 Massey -- is it Massey Draughons?

13 A Massey Draughon Junior College, yes, sir.

14 Q Did you receive a degree from there or just
15 take classes?

16 A Well, I completed, actually, at the top of
17 the class at Massey Draughon.

18 Q I'm sorry?

19 A I got a certificate in accounting. That's
20 correct.

21 Q Okay. You got a certificate?

22 A Yes.

23 Q Have you ever been in the military?

1 A No, I have not.

2 Q Have you had any other formal education
3 other than the schools we've just listed?

4 A No, I have not.

5 Q Okay. Since high school I mean.

6 MR. ATCHISON: When you say "formal
7 education," would that include
8 training courses on his job?

9 MR. BARKER: No, I'm not talking about
10 on-the-job training.

11 Q I'm talking about anything that -- Well, any
12 training you had -- job-related training
13 that required you to go to an educational
14 institute. Did you ever have any jobs
15 that -- where you sent for a course, for
16 example, to a junior college or to a
17 four-year college for -- for training?

18 A It was -- It was, like, we would go to
19 trainmaster classes for a week or so in
20 Jacksonville.

21 Q Okay. But other than that kind of training,
22 did you have any classroom training --

23 A No. No.

1 Q -- associated with your job? Okay.

2 MR. ATCHISON: Basically, you're asking
3 whether or not he had any higher
4 education?

5 MR. BARKER: Any kind of higher, you
6 know, non-company-related
7 education or company sponsored
8 education.

9 MR. ATCHISON: Okay.

10 Q And you -- Did you -- I think your prior
11 question answered this, but you graduated
12 high school; is that right?

13 A That's correct.

14 Q When you -- When you graduated high school,
15 what -- did you go to work at that time?

16 A I worked the summer after graduation.

17 Q Okay.

18 A And I started school that fall.

19 Q Was that Massey Draughons?

20 A That's true -- correct.

21 Q Did you have any full-time employment after
22 high school?

23 A Well, when I attended Massey Draughon, I

1 worked for the president of the Lion's Club
2 at the Central YMCA.

3 Q Okay. And what did you do for him?

4 A I was his secretary's assistant.

5 Q Okay. And then after that, what did you do?

6 A After completing Massey Draughon, I worked
7 for a Maddox Transportation. It was a
8 trucking company.

9 Q What sort of work did you do for them?

10 A Accounting.

11 Q Okay. And then how long did you work there?

12 A Probably a year.

13 Q Okay. After Maddox Transportation, where
14 did you work?

15 A Actually, that -- that -- seemed like that
16 January after that period, I applied for
17 CSX.

18 Q Okay.

19 A Or the Family Lines as it was called back
20 then.

21 Q Could you repeat that? I'm sorry.

22 A The Family Lines Railroad.

23 Q Okay. The Family Lines Railroad is a

1 railroad that was ultimately -- became part
2 of CSX; is that right?

3 A That's correct.

4 Q CSX wasn't in existence at that time?

5 A At that time, it was not.

6 Q Okay. Where was the Family Lines Railroad
7 based at?

8 A Jacksonville, Florida.

9 Q Okay. Was it part of another railroad, or
10 is it an independent railroad?

11 A It was a conglomeration of several
12 railroads.

13 Q Okay. Was there a particular railroad that
14 you worked for in that conglomeration?

15 A The Western of Alabama.

16 Q Okay. How long did you work for the Western
17 of Alabama?

18 A It seems like it was a six-month period,
19 then they merged with the L and N Railroad.

20 Q Okay. And then, when they merged with the L
21 and N, did your job remain the same?

22 A Well, they dove-tailed their seniority in
23 with the clerical forces of the L and N.

1 Q Okay. And how long did you work for the L
2 and N?

3 A Which -- it -- it later become CSX,
4 Seaboard/Family Lines, currently now --

5 Q Okay.

6 A -- until today.

7 Q Okay. When you started with the Western of
8 Alabama, was that 1981; is that right?

9 A That's correct.

10 Q What -- What was your position that you were
11 in?

12 A Extra board clerk.

13 Q Okay. And could you explain what an extra
14 board clerk is?

15 A Extra board clerk covers any positions that
16 individuals might be on vacation, off sick,
17 or personal leave.

18 Q All right. And that's what an extra board
19 is; is that right?

20 A That's correct.

21 Q All right. Now, what is that -- what's sort
22 of clerk duties did you have?

23 A The clerical duties on a railroad are

1 different from the clerical jobs out in the
2 field. You had to -- operators where you
3 typed up train orders for trains operating
4 from point, let's say, Montgomery to
5 Atlanta.

6 Q Uh-huh (positive response).

7 A So, you give them their orders, and they'd
8 have meet orders where they would meet
9 another train at a sighting. A crew calling
10 where you called the crews, give them a
11 two-hour -- two, 15-hour call, that you had
12 a train call going towards Atlanta. We had
13 1050 keypunch operating machine. You
14 actually keypunched the cards so you get a
15 documentation or what the actual train was
16 in its consist. So, any Hazmat, they could
17 locate it.

18 Q Okay.

19 A Loads and empties, length, footage, tonnage,
20 actual waybill clerk, which kept the
21 inventory of each tracks that was in the
22 yard. So, you could actually have a proper
23 train consist of the train because the FRA

1 is very tight about documentation on Hazmat.

2 And from porter to driving, hauling crews.

3 Q So, you may have to -- might have to drive,
4 like, a truck around that would transport
5 the crews; is that right?

6 A Yes. They'd call it a carry-all, yes.

7 Q Okay. Was that -- Was that a vehicle that
8 operated on the roads or on a rail?

9 A Roads.

10 Q Okay. Did you ever work in a position that
11 involved actually driving on the rails or
12 operating of the rails?

13 A No, I have not.

14 Q Okay. Did you stay in the same clerk
15 position for a period of time?

16 A The extra board position?

17 Q Yes.

18 A Yes.

19 Q How long were you an extra board clerk?

20 A Clerk? Well, there was periods during my
21 clerical career that I did all -- a position
22 for a short period of time, but I would say
23 ten years.

1 Q Okay. So --

2 A Roughly.

3 Q You were in various clerical positions for
4 roughly ten years; is that right?

5 A Yes.

6 Q Did -- did you -- Those were all TCU covered
7 positions too; is that right?

8 A That's correct.

9 MR. ATCHISON: The TCU?

10 MR. BARKER: The TCU covered positions.

11 MR. ATCHISON: What's TCU?

12 MR. BARKER: It's a union.

13 MR. ATCHISON: Okay. All right.

14 Q The -- Were you in different job titles
15 during that time frame? Did you have
16 different clerical jobs, or was there one
17 particular clerical job that you were in?

18 A There were several. I would probably say in
19 that period before everything relocated to
20 Jacksonville, you probably had between fifty
21 and a hundred different jobs. It was
22 just -- I mean, we -- we actually worked
23 three shifts, 365 days a year. So, there

1 were several different positions from Lionel
2 Railroad from Newnan, Georgia, to Selma,
3 Alabama.

4 Q Okay. The -- Did you ever bid for a -- Were
5 these clerk jobs that you had, were they all
6 under one job title, or did you ever move
7 into a different job title?

8 A Different -- different job titles.

9 Q Okay. When you change from one job title to
10 another, did you have to bid on a position
11 to do that or --

12 A If it come open, yes.

13 Q Okay. All right. Do you recall how many
14 times you actually bid on different clerical
15 positions in that ten-year period?

16 A It's been 15 years or more. So -- So, I
17 would say, no.

18 Q Okay. Were there periods of time during
19 your clerical career in which you were
20 furloughed?

21 A Early -- Probably 1984 or early 1985.

22 Q Okay. How long were you furloughed --
23 furloughed for?

1 A Probably, roughly, about -- There was
2 different periods. Sometimes you would
3 furloughed a month, and then they'd call you
4 back. Then there was a long period after
5 the merger with the Western of Alabama and L
6 and N. There was probably a year's period
7 of furlough.

8 Q Okay. And what did you do during that
9 furlough?

10 A I worked for the City of Prattville.

11 Q Uh-huh (positive response). What did you do
12 for the City of Prattville?

13 A Fire medic.

14 Q Paramedic, is that what you said?

15 A Well, actually, it wasn't a paramedic. I
16 was a -- I had just completed the class, and
17 I had taken the state exam to become a
18 paramedic when the railroad called me back.

19 Q Okay. So, were you a fire medic? Is that
20 what you said?

21 A Yeah, I was a fire medic, EMS, yes.

22 Q Okay. So, you were doing, what, fireman
23 duties and some emergency medical service

1 duties --

2 A That's correct.

3 Q -- but you weren't -- you weren't a licensed
4 paramedic; is that right?

5 A That's correct.

6 Q Once you returned from that furlough, were
7 you furloughed again for any length of time?

8 A No -- let me see here. The summer of 1991,
9 I believe, I was furloughed for a period of
10 three months. That's when they moved all
11 the clerical duties from the Montgomery yard
12 office to Jacksonville.

13 Q Okay. So, clerical duties were centralized
14 around 1991 in Jacksonville; is that right?

15 A 1991 -- '90 or '91.

16 Q Okay. When you returned from that furlough,
17 did you resume clerical duties, or did you
18 move into a different area?

19 A Moved into a different area, yardmaster.

20 Q All right. Did you have the option of
21 moving to Jacksonville at that time or
22 staying in Montgomery and changing crafts?

23 A Well, at the time, I was -- Mark Avery asked

1 me to train as a yardmaster in Montgomery.

2 Q Okay. And who is Mark Avery?

3 A He was my -- He used to be the terminal
4 trainmaster in Montgomery.

5 Q Okay. And he asked you to -- if you wanted
6 to or just to transit?

7 A Well, he asked me several times. Then
8 finally I decided to give it a shot.

9 Q Okay. Now, the clerical duties that you had
10 performed, those have basically been inside
11 an administrative office during the prior
12 ten years or when you had to handle porter
13 duties or something like that; is that
14 right?

15 A Well, it -- it was inside a -- a CSX yard
16 office. You might call it an L and N yard
17 office, or different yard offices along the
18 whole railroad.

19 Q Okay. Were there any yard office -- So, you
20 were in the Montgomery yard office?

21 A That's correct.

22 Q What other yard offices were -- did you work
23 out of during that time frame?

1 A Selma, Alabama; Opelika; LaGrange, Georgia;
2 and once or twice Newnan, Georgia.

3 Q Okay. When you worked out of those offices,
4 did you work out of them on a short-term
5 basis or a long-term basis?

6 A It was probably to cover a vacation vacancy.

7 Q All right. Were you ever -- Did you ever
8 have a long-term assignment at a yard office
9 outside of Montgomery for more than six
10 months?

11 A No.

12 Q Did you have any interest in going to
13 Jacksonville when the clerical positions
14 moved there, or did you want to stay in
15 Montgomery at that time?

16 A I did; but at the time, my wife was
17 pregnant, and so, we decided to stay in
18 Montgomery --

19 Q Okay.

20 A -- so my children, at least, know their
21 grandparents.

22 Q Uh-huh (positive response). And your -- And
23 so, that -- you had an opportunity to train

1 for a yardmaster position; is that right?

2 A That's correct.

3 Q Now, when you -- And you were ultimately
4 hired into a yardmaster position; is that
5 right?

6 A Yardmaster's extra board. That's correct.

7 Q Okay. When you went from a clerical
8 position to the yardmaster position, did you
9 have a change in seniority dates?

10 A Correct.

11 Q Did you lose all your prior seniority as a
12 clerical employee when you --

13 A No, I did not.

14 Q All right. How -- Were you given some
15 partial credit for your clerical service?

16 A It's totally different crafts. Since I was
17 furloughed as a clerical personnel, my
18 seniority date as a clerk is still March the
19 30th, 1981.

20 Q Uh-huh (positive response).

21 A So, to this day, I have an option to roll
22 any junior employee under me.

23 Q Okay.

1 A So, if I decided to today, I could do that.

2 Q All right. So, you could become a clerical
3 employee tomorrow.

4 A That's correct.

5 Q And you could bump anybody who was --

6 A Junior.

7 Q -- junior to you from that 1981 date?

8 A That's correct.

9 Q Okay. So, you retained that seniority, and
10 then you obtained a new seniority date in
11 the yardmaster crafts; is that correct?

12 A That's correct.

13 Q What was your yardmaster craft seniority
14 date?

15 A I would say November of '92.

16 Q Okay. And you were a yardmaster in
17 Montgomery; is that right?

18 A That's correct.

19 Q And who were you working for when you became
20 a yardmaster?

21 A Terminal trainmaster was Mark Avery. The
22 terminal manager was a Reese Hardman.

23 Q Okay. And can you explain for us for the

1 record what a yardmaster does exactly?

2 A Actually, he's the manager of the yard.

3 Q Okay.

4 A From the yard crews working to any inbound
5 trains coming into his terminal.

6 Q Okay. So, once a train crosses into the --
7 what is defined as the perimeter of the
8 yard, then it comes under the authority of
9 the yardmaster; is that right?

10 A That's correct.

11 Q Once it's outside the yard, then the train
12 crew is responsible for the train's
13 operations; is that right?

14 A That's correct.

15 Q Did you ever work in the conductor craft at
16 all?

17 A No, I have not.

18 Q Did you ever work in -- then -- then you
19 never worked an engineer craft either?

20 A No, I have not.

21 Q Have you ever worked in any -- is the term
22 "line of road" -- is that the right term --
23 crafts?

1 A No, I have not.

2 Q Okay. But is that the -- you understand
3 when I say "line of road" --

4 A Yes.

5 Q -- that's any of the crafts that are
6 actually out on the trail line -- trails --
7 on the -- Let me rephrase that. I was sort
8 of getting tongue twisted.

9 Those are any crafts that are out
10 on the rails outside a terminal yard; is
11 that right?

12 A Line of road, you're referring to different
13 locations, or are you referring to the line
14 of road trainmaster, or what are you
15 referring to?

16 Q I'm referring to any -- to the -- to the
17 line of road crafts. Those are different
18 from the crafts in the yard; is that right?

19 A Well, basically, you've got the BLE and U
20 are the same crafts.

21 Q Okay.

22 A So, they cover yard and in-line road.

23 Q Okay. So, as a yardmaster, do you have --

1 if you were to apply for a conductor
2 position, would you have -- would your
3 yardmaster seniority count towards that
4 conductor job?

5 A No, it would not.

6 Q All right. You would start fresh with
7 conductor seniority?

8 A That's correct. Yes.

9 Q But conductors are part of the UTU as well;
10 is that right?

11 A That's correct.

12 Q But then the -- the engineers are not part
13 of the UTU; is that right?

14 A They're a different union.

15 Q Okay. Are there any other --

16 (At which time, there was an
17 off-the-record discussion.)

18 Q Now, the yardmaster, you said, is the
19 manager of the yard. The -- the yardmaster
20 is -- is a union position; is that right?

21 A That's correct.

22 Q It's not a management position in a formal
23 sense, is it?

1 A He -- he's still a manager of the yard.

2 Q You were managing things, but you're not
3 considered a manager by the company; is that
4 correct? As a yardmaster, you're a
5 bargaining unit employee?

6 A Yes, but he's still a manager of the yard.

7 Q I understand. But I'm just trying to
8 draw -- Do you understand the distinction
9 I'm trying to draw there? I understand you
10 have management duties as a yardmaster, but
11 the company does not consider yardmasters to
12 be management employees, like, for the
13 purposes of, you know, pay or benefits or
14 bonuses or things like that; is that right?

15 A Bonus wise, that's correct.

16 Q Okay.

17 A There is a differential in pay because he's
18 in charge of his terminal.

19 Q Uh-huh (positive response). How long did
20 you remain in the yardmaster position?

21 A It's right at ten years.

22 Q All right. And were you always a yardmaster
23 in Montgomery?

1 A That's correct.

2 Q All right. And that was in the -- the
3 terminal in Montgomery; is that right?

4 A That's correct.

5 Q Did you ever do any extensive time on a
6 temporary basis, even, as a -- as a
7 yardmaster in any other locations?

8 A No, I have not.

9 Q Okay. Have your duties as a yardmaster --
10 Did the duties of the yardmaster change over
11 the 10 years you were working as a
12 yardmaster in any significant way?

13 A When there were the -- more access to the
14 computer and different computer programs, I
15 would say, yes, it was a faster pace.

16 Q Okay.

17 MR. BARKER: Let's take a quick break
18 here.

19 MR. ATCHISON: Thank you.

20 (At which time, a recess was
21 held.)

22 BY MR. BARKER:

23 Q Mr. Hollon, we were talking about your --

1 your work experience at -- at CSX and the
2 predecessor railroads that you worked at.
3 I'm going to show you this document that
4 I've marked as Exhibit Number Two.

5 (At which time, the referred-
6 to document was marked as
7 Defendant's Exhibit No. 2 by
8 the Reporter.)

9 Q Do you recognize this document?

10 A Yes.

11 Q What is it exactly?

12 A It's just a -- a record employee master,
13 which shows my birth date, hire date, and my
14 last payroll period.

15 Q All right. And can you tell when this
16 particular employee master was printed?

17 A You can tell the date, but you can't tell
18 the year.

19 Q Okay. Looks like 6/24 --

20 A That's correct.

21 Q -- is the date. Is this your handwriting on
22 the document?

23 A That is correct.

1 Q All right. And is this a document that you
2 printed?

3 A I'm not sure I have access to this, so I --
4 I did not print this document. But it is my
5 handwriting.

6 Q All right. So, this is -- Do you remember
7 how you obtained this document?

8 A No, I do not.

9 Q At some point, this document came into your
10 possession and you -- and you wrote the
11 handwritten parts on it, though; is that
12 right?

13 A That is correct.

14 Q Is that -- Did you also circle your birth
15 date and hire date on this document as well?

16 A That is correct.

17 Q All right. And you write on -- The
18 handwriting states that, "I have worked with
19 the company and its affiliates since 1981.
20 I was furloughed for about a year to a
21 year-and-a-half. I have trained and worked
22 in the following positions." And it lists
23 various jobs --

1 A Yes.

2 Q -- off? At the bottom, they put -- it's cut
3 off. Can you tell me what -- Can you tell
4 what that one is?

5 A Let's see. Crew callers, operators -- Well,
6 there's one that's not on here. That was
7 janitor driver. It looks like driver at the
8 bottom.

9 Q Okay. Now, at the top it says -- There's
10 AWP crew caller, LW -- LN crew caller, and
11 SCL crew caller; is that right?

12 A That's correct.

13 Q All right. And then the AWP, LN and SCL,
14 are those different railroads?

15 A It's all of the affiliate companies of CSX.
16 These are different -- We had one office who
17 called -- called crews for these different
18 railroads because they're under different
19 agreements.

20 Q Okay.

21 A Contractual agreements.

22 Q So, even though now CSX is the company that
23 all these railroads are a part of, they

1 still exist as separate -- sort of sub-units
2 within CSX to some extent or another; is
3 that right?

4 A That's correct.

5 Q All right. And at one point in time, were
6 you any -- were you just in a crew caller
7 clerk clerical position and you were
8 responsible for calling crews on each of
9 these subsidiary railroads at various
10 points?

11 A That's correct.

12 Q All right. But the general duties of a crew
13 caller were the same throughout that time;
14 is that right?

15 A You just had different contracts --
16 different ways you could call these
17 different types of crews.

18 Q All right. And when you say "call the
19 crews," you mean, like, if a crew was
20 needed, call somebody and tell them they
21 needed to appear to work a particular --

22 A If you had a train built, then you would
23 call -- then the crew caller would call a

1 crew to protect the train.

2 Q Okay. I didn't hear all of it during the
3 coughing there. If you had a train and you
4 needed to call a crew for what purpose?

5 A Well, if the yardmaster or the trainmaster
6 had a train built or was building a train --

7 Q Okay.

8 A -- and he was ready for it to be called to
9 destination --

10 Q Okay.

11 A -- then the crew caller would call the
12 crews.

13 Q All right. And when you say "building a
14 train," you mean when they're assembling a
15 train to go out and -- you know, take
16 certain -- an engine that takes certain cars
17 to a certain destination where they have to
18 be at --

19 A That's correct.

20 Q I'm just trying to get all that clear for
21 the record too.

22 A Okay.

23 Q Now, there's a designation here -- Was there

1 a period of time where you were a -- where a
2 crew caller was a position that you were in?

3 A Well, most of your extra boards were
4 qualified on different positions. So, those
5 were the positions that I was qualified on.

6 Q Okay. So, you were qual -- I cannot say
7 that word today -- qualified as a crew
8 caller, an operator?

9 A That's correct.

10 Q And you were a crew caller for these three
11 subsidiary railroads. You were an operator
12 for those same railroads; is that right?

13 A And actually for the Southern. That's
14 correct.

15 Q Okay. And then you said here, "Inbound 1050
16 operator?"

17 A That's correct.

18 Q "Outbound, interchange, connection." Are
19 those just different types of operator
20 positions?

21 A No, sir. Those are the actual different
22 types of clerical positions.

23 Q Okay. So, operator is one type of clerical

1 position, and then these other type of
2 positions are different types of clerical
3 positions?

4 A That is correct, yes.

5 Q And crew caller is a third kind of clerical
6 position?

7 A That's correct.

8 Q All right. Now, what does an operator do?

9 A In -- in the beginning, you had a -- a
10 dispatcher, which operated, let's say, from
11 Mobile to Montgomery.

12 Q Uh-huh (positive response).

13 A So, the operator would actually type up any
14 train orders or train meets that this
15 dispatcher had lined up on his part of the
16 railroad. And you give the train orders to
17 the crews. Before they could leave the
18 terminal, they had to have these train
19 orders.

20 Q Uh-huh (positive response). So, you would
21 essentially type up the train orders to --
22 to give to the different people on the crews
23 so they would know where to go?

1 A That's correct, yes.

2 Q Over time, did that position change? There
3 was a change in the technology, I take it?

4 A That's correct. It -- it all shifted to
5 Jacksonville about the same time the other
6 clerical positions moved there.

7 Q All right. At this point in time, are there
8 any clerical positions in Montgomery, the
9 type that you used to perform?

10 A The steno clerk is still there. The chief
11 clerk at the shop is still there. The
12 janitor, porter drivers are still there.

13 Q Okay. And is this a list of all the
14 clerical positions that you held with the
15 company prior to becoming a yardmaster?

16 A There's some that's not on here.

17 Q All right. What were the other ones that
18 are not listed on there.

19 A Let's see. I actually worked the steno
20 position for the terminal manager.

21 Q Any other ones?

22 A I worked Selma. I worked the agent
23 position, the 1050 operator position, and

1 I'm thinking I had an assistant agent's
2 position in Selma.

3 Q Okay. Now, what is an agent?

4 A That's old terminology, again, of the -- let
5 me see here. It was a clerical position.
6 Actually, it was a -- sort of a management
7 position of that specific location. He was
8 in charge -- let's say Opelika. He was in
9 charge of Opelika. He was the agent for
10 Opelika. And if customers come in with
11 waybills, whatever, you would usually sign
12 the agent's name. He was just a
13 representative of the company, but still he
14 was union.

15 Q Uh-huh (positive response). So, the
16 responsibility of the agent was to sort of
17 meet with -- deal with customers who would
18 come in and bring in bills for transport; is
19 that right?

20 A That's correct. And he was actually over
21 any other clerical personnel in his office.

22 Q Office. And that would be a small office
23 normally?

1 A On the line of road, yes.

2 Q So, like, it's basically a station, a weigh
3 station --

4 A That's correct.

5 Q -- that anybody could come into but not a
6 full-size terminal?

7 A Yes.

8 Q It wouldn't be a place that would have,
9 like, a yard or anything like that.

10 A Some of them, yes, they did have yards.

11 Q Okay. Did you work at any station as an
12 agent that had yards?

13 A Yes. Selma had a yard, LaGrange. Opelika
14 had a small yard.

15 Q Okay. Were there non-union employees who
16 were present at any of those yards too who
17 were over them?

18 A No.

19 Q Okay. The -- Now, are -- You had a steno
20 position, too, where you were the steno
21 clerk for the terminal manager in
22 Montgomery; is that right?

23 A That's correct.

1 Q What were your responsibilities in that
2 position?

3 A Well, like I said, most of these positions I
4 worked extra, so I was qualified on all of
5 them.

6 Q Okay. So, in -- in -- in order -- an extra
7 board is like a fill-in kind of position; is
8 that right?

9 A Yes.

10 Q So, when somebody is gone, you're filling in
11 for them?

12 A That's correct.

13 Q And when you're an extra board person, you
14 have to be trained to do a variety of
15 clerical duties for anybody at any time?

16 A You have to actually be qualified -- or work
17 in that position as well as the person you
18 were replacing, so, yes.

19 Q Okay. Which clerical positions did you have
20 on a long-term basis that weren't extra
21 boards?

22 A Well, I was going to either AUM or Troy
23 State. I was trying -- I was working -- I

1 would say there was a connections position
2 on third shift.

3 Q Okay. And what is a connections position?

4 A Well, in the old days where we used to have
5 a lot of railroads in Montgomery where you
6 did interchange work, they would actually do
7 the interchanging from the foreign line
8 railroads.

9 Q Okay. So, where another company's railroad
10 would intersect with a CSX railroad --

11 A Interchange cars, that's correct.

12 Q Okay. And did you physically interchange
13 the cars or just transmit communications
14 back and forth with the other railroad?

15 A You mean, by paper or --

16 Q By paper or other -- or by --

17 A It was physically interchanged through the
18 computer so you would have proper
19 documentation because you still could
20 collect per diem on foreign line cars --

21 Q Okay.

22 A -- which is the cost. They're on our rails.
23 So, you try to get them unloaded and empty

1 and turn -- return back to the foreign line
2 railroad as soon as you possibly can.

3 Q Okay. Were you doing the emptying of the
4 cars yourself?

5 A Oh, no.

6 Q Okay. That's what I was trying to
7 understand. You weren't physically out at
8 the intersection working with the cars. You
9 were transmitting the information back and
10 forth between the other two railroads?

11 A Yes. Actually, it's just like a record that
12 we received this car from this certain
13 railroad at this certain date and time.

14 Q Okay.

15 A That's when it became on your property.

16 Q All right. So, you were -- When you were an
17 extra board, was that your position, so to
18 speak, where you didn't have -- where you
19 would just work in different -- any
20 different clerical position that was
21 necessary?

22 A That's correct.

23 Q Okay. How long were you in an extra board

1 position during the ten years that you were
2 clerical?

3 A Probably most of it.

4 Q Okay. So, other than the extra board
5 position, the only long-term clerical
6 assignment you had was the connections
7 position?

8 A That's correct.

9 Q All right. And there were -- Were there --
10 And were there any other long-term
11 assignments you had other than connections
12 and the extra boards?

13 A Not that I can recall.

14 Q All right. Now, you moved into a yardmaster
15 position next; is that right?

16 A That's correct.

17 Q All right. Were you always in -- and you
18 were always a yardmaster in Montgomery; is
19 that right?

20 A That's correct.

21 Q At some point in time you moved to a
22 trainmaster position; is that right?

23 A Assistant trainmaster, yes.

1 Q Okay. Assistant trainmaster. Do you recall
2 when that occurred?

3 A Actually, it was probably May of '01.

4 Q And as an assistant trainmaster, were you
5 still a union employee at that point?

6 A No, I was not.

7 Q Okay. That was the first position you had
8 where you were considered an officer of the
9 company; is that how that --

10 A That's -- that's correct.

11 Q That's how they referred to it, as an
12 officer position --

13 A Yes.

14 Q -- is that right? What were you -- your
15 duties as an assistant trainmaster?

16 A The safety operations of the yard, managing
17 your crews in line of road to the yard
18 personnel, efficiency testing, safety
19 audits, safety observations, anything that
20 had to operate with the safety operation of
21 the terminal itself.

22 Q Okay. Can you explain what an efficiency
23 test is for the record, please.

1 A Where the railroad operates by operating
2 rules. An efficiency test is what the
3 Federal Railroad Administration mandates.
4 You have to have so many efficiency tests
5 per month. So, your officers out there are
6 monitoring, watching their crews, make sure
7 that they're working within the scope of the
8 operating rules of the company.

9 Q Okay. So, essentially, you were in the
10 yard, then you were watching the crews that
11 are working in the yard, and you're
12 documenting to make sure that they are
13 operating within the operating rules and the
14 safety rules of the company and the FRA; is
15 that right?

16 A That's correct.

17 Q And you -- you make notations if they're
18 not -- if they're not in compliance with
19 those rules?

20 A That's correct.

21 Q And they may or may not know that you're
22 conducting an efficiency test when you're
23 doing it?

1 A Well, you're supposed to either tell them
2 they've passed or failed.

3 Q Okay.

4 A How can you correct something unless you
5 address it?

6 Q Okay. But when you're -- You don't tell
7 them that until you're done making -- doing
8 the test; is that right?

9 A That's correct.

10 Q They don't necessarily know when you're
11 making the observations?

12 A That's correct.

13 Q And then -- what was the -- There's another
14 kind of test?

15 A Safety audits or observations. Now, they
16 knew you were there when you were doing your
17 safety audits.

18 Q And an observation is tests sometimes
19 referred to as an "O test"?

20 A Observations, safety audits, no.

21 Q Okay.

22 A An "O test" is an operating test, which is
23 operating rules.

1 Q Okay. And is that, like, a written test or
2 a --

3 A No, it's like you're watching somebody where
4 they don't know you're watching them do a
5 procedure.

6 Q Okay.

7 A Or make sure they're going by the rules, the
8 operating rules.

9 Q So, it's like an efficiency test?

10 A The same thing.

11 Q Okay. It is the same thing. All right.
12 And how long were you in the assistant
13 trainmaster position?

14 A For right about a year.

15 Q And who did you report to at that point?

16 A At that time, it was -- Matt Meadows was the
17 terminal manager, and Charlie Brown was the
18 superintendent for the Montgomery area.

19 Q All right. Why don't you explain for the
20 record what the management structure is in a
21 terminal or in the Montgomery terminal, at
22 least.

23 A Then or now?

1 Q How about then, and then we'll talk about
2 now.

3 A We had a district sup, and he covered
4 probably Montgomery, and I'm pretty sure he
5 covered the S and A South, which was, I
6 think, Calera towards Montgomery. Then you
7 had the -- under him was the terminal
8 manager who covered the terminal operations
9 and the yard. And even back then, you had
10 an assistant terminal manager who usually
11 worked third shift.

12 Q That's the overnight shift?

13 A Yes. Then you had four terminal
14 trainmasters who actually covered the yard,
15 and what we had back then was a tower. So,
16 they worked directly with the yardmaster and
17 the yard.

18 Q Okay. And then -- and those were all
19 officer positions; is that correct?

20 A That's correct.

21 Q And then there are the bargaining unit
22 employees who are -- the union employees who
23 were -- operated underneath those people; is

1 that right?

2 A That's correct.

3 Q Now, there have been some -- there was a
4 reorganization of the company in about 2005;
5 is that right?

6 A That's correct.

7 Q And the structure was changed at that time;
8 is that right?

9 A That's correct.

10 Q What was the restructure after the
11 reorganization?

12 A I think we were considered a little top
13 heavy, so they worked their way down.
14 Seemed like we did away with the assistant
15 terminal manager, and we did away with the
16 superintendent.

17 Q Okay. So, there was -- After the
18 reorganization, there was no longer a
19 district superintendent. There was a
20 terminal manager, but there was an -- there
21 was no longer an assistant terminal manager.
22 And then there was still terminal
23 trainmasters.

1 A That's correct.

2 Q Okay. And that reorganization was referred
3 to as OEI; is that right?

4 A That's the best I understand it, yes.

5 Q Okay. And so, as a part of that process, a
6 number of positions were eliminated; is that
7 right? That would be some of the ones we
8 talked about there like the district
9 superintendent position was eliminated. So,
10 that -- whoever was in that position had to
11 go to a different position; is that right?

12 A That's correct.

13 MR. ATCHISON: Excuse me. For the
14 record, what does OEI stand for.

15 MR. BARKER: I don't know what it
16 stands for exactly.

17 MR. ATCHISON: Okay.

18 Q The -- So, the district superintendent
19 position was eliminated, and the person in
20 that position had to go somewhere at that
21 point; is that right?

22 A That's correct.

23 Q And some of the people who were -- Like, if

1 the district superintendent's position was
2 eliminated, that person often bumped down a
3 lower level manager and took their job; is
4 that right?

5 A That's correct.

6 Q Who was the district superintendent in
7 Montgomery in 2005?

8 A 2005?

9 Q Or before the OEI, who was the --

10 A That's Charlie Brown.

11 Q Okay. And what happened to Charlie Brown in
12 the OEI?

13 A He was -- He went from -- Let me see. It
14 was a different level. It's a bump down.
15 He went from a superintendent -- He went to
16 the MOPS position.

17 Q Okay.

18 A Then from the MOPS, during OEI he was --
19 actually forced back to a trainmaster's
20 position in, I want to say, Wildwood,
21 Florida.

22 Q All right. So, before the OEI, Charlie
23 Brown was the district superintendent; is

1 that right?

2 A That's correct.

3 Q And who was the terminal manager in
4 Montgomery?

5 A Matt Meadows.

6 Q All right. And who was the assistant
7 terminal manager before the --

8 A Warren Carr.

9 Q Okay. After the OEI, Charlie Brown went to
10 a MOPS position; is that right?

11 A That's correct.

12 Q And that was in Atlanta; is that correct?

13 A That's correct.

14 Q That's where the MOPS position is located
15 at?

16 A Yeah, for the Atlanta division, yes.

17 Q Okay. And --

18 A Actually, he was working out of Montgomery,
19 but, yes, he was on the MOPS position.

20 Q So, he was physically located in Montgomery,
21 but the positional was really in Atlanta?

22 A That's correct.

23 Q And who was the terminal manager after --

1 after OEI?

2 A A.B. Montgomery.

3 Q Okay. And what happened to the former
4 assistant terminal manager? Where did he
5 go?

6 A I'm trying to think if it was done away with
7 during the OEI or prior to OEI. He went
8 back to a terminal trainmaster's position.

9 Q Okay. And Matt -- What was his last name?

10 A Meadows.

11 Q Meadows. Where did Matt Meadows go?

12 A He went to a line of road trainmaster on the
13 M and M.

14 Q Okay. Can you explain the difference
15 between a line of road trainmaster and a
16 terminal trainmaster?

17 A Well, terminal trainmaster operates directly
18 with the terminal like Montgomery. A line
19 of road trainmaster would cover from, let's
20 say, Montgomery to maybe Flomaton or, let's
21 say, Mobile. It would cover those crews
22 operating within that length of railroad;
23 plus, he would deal with any and all

1 customers on that length of railroad.

2 Q Okay. So, the terminal trainmasters
3 operated within a terminal area; whereas,
4 the line-of-road trainmaster would have sort
5 of the line between two terminals?

6 A That's correct.

7 Q Okay. And he would have various
8 responsibilities in between those two
9 terminals; is that right?

10 A That's correct.

11 Q And you were never a line of road
12 trainmaster; is that right?

13 A No, I was not.

14 Q You were always a terminal trainmaster?

15 A That's correct.

16 Q Are most line-of-road trainmasters -- are
17 they people who came up from conductor or
18 engineer positions, or do they come -- is
19 that not the case in your experience?

20 MR. ATCHISON: Do you understand the
21 question?

22 THE WITNESS: Yes, I understand the
23 question.

1 A I'm trying to recall. Probably both because
2 Steven Dow come out of a management
3 trainee's position, and he had never seen a
4 line of roads. So...

5 Q So, there are some terminal trainmaster --
6 or line-of-road trainmasters who come
7 directly out of management training?

8 A That's correct.

9 Q All right. It's not a prerequisite to be a
10 line-of-road trainmaster that you work in a
11 line-of-road craft position?

12 A That's correct.

13 Q Okay. So, in approximately 2002, you were
14 promoted to the terminal trainmaster
15 position from the assistant terminal
16 trainmaster position --

17 A That's correct.

18 Q -- is that right?

19 A Yes.

20 Q What were the differences in the terminal
21 trainmaster position versus the assistant
22 terminal trainmaster position?

23 A Basically, it's the same. It's just a pay

1 increase, basically.

2 Q Okay. So, the assistant one -- one is
3 almost like a trainee position to be a
4 terminal trainmaster?

5 A That's correct.

6 Q Okay. Are there normally assistant terminal
7 trainmasters in the yard, or is that only
8 when there's a -- less than a full capacity
9 terminal trainmaster?

10 A Well, actually, I think they've done away
11 with assistant trainmaster's position.

12 Q Okay.

13 A It's strictly trainmaster now.

14 Q So, now you're -- trainmaster is sort of the
15 first-line management position?

16 A That's correct.

17 Q Prior to 2006, were you ever disciplined
18 while you were -- by CSX?

19 MR. ATCHISON: Prior to what?

20 MR. BARKER: 2006.

21 A Disciplined -- what do you mean by
22 "disciplined"?

23 Q Did you ever receive -- receive any written

1 discipline?

2 A The only one that I can recall, I received a
3 letter from Matt Meadows probably chastising
4 me for adding some power to a train going to
5 Birmingham.

6 Q Okay.

7 A But other than that, none other.

8 Q Okay. That's the only one you can recall?

9 A That's the only one.

10 Q Have you ever been self-employed?

11 A Self-employed?

12 Q Uh-huh (positive response). Have you ever
13 had a business outside of work?

14 MR. ATCHISON: Full time, part time?

15 Q Full time or part time.

16 A From what dates?

17 Q Any point in the past ten years.

18 A I'm -- I'm trying to start a business now.

19 Q Uh-huh (positive response).

20 A But other than that, no.

21 Q All right. What is the business you're
22 trying to start now?

23 A I'm just -- flea market, antiques,

1 collectibles, stuff like that.

2 Q When did you start doing that?

3 A Probably last August.

4 Q I'm sorry?

5 A Last August.

6 Q Okay. Before that, had you ever had any
7 kind of business on your own?

8 A No, I had not.

9 Q Okay. Is there a particular flea market
10 that you're working out of?

11 A Eastbrook here in Montgomery.

12 Q And is that sort of the arrangement where
13 you have, like, a stall or something --

14 A Yes.

15 Q -- that you can put up whatever you want to
16 sell at?

17 A Yes.

18 Q As a terminal trainmaster, did you receive
19 training on company policies?

20 A As always, in the computer through the
21 Gateway. From now and then, you'd have to
22 complete -- and usually it's a Code of
23 Ethics on the POD system.

1 Q Uh-huh (positive response). And what is
2 that exactly? Is that, like, an internal
3 computer system?

4 A That's correct. Where you can take your
5 operating rules and different other
6 information you can obtain from it.

7 Q All right. So, you received training on
8 operating rules from time to time; is that
9 right?

10 A That's yearly, yes.

11 Q Yeah. Did you have -- Was that locally, or
12 did you have to go somewhere for that?

13 A Locally as a union personnel and as a
14 trainmaster locally, and usually you would
15 go to Atlanta for, like, a classroom rules
16 test.

17 Q Okay. So, there was a classroom rules test
18 at least once a year when you were a
19 trainmaster position on operating rules?

20 A Usually, yes.

21 Q Okay. Did you also receive training at that
22 time on any changes in the rules?

23 A Oh, yes.

1 Q Was that more than once a year, or would you
2 receive any kind of periodic training on
3 operating rules and changes?

4 A Well, any changes that -- usually would come
5 over a system bulletin, whatever. So, you
6 had access to it in the computer.

7 Q Okay. So, you would receive sort of --
8 Would it be e-mails or just sort of -- some
9 sort of -- How would you learn if there was
10 a change?

11 A Well, everybody -- I mean, from union to
12 management would know through the system and
13 headquarter bulletins where they were
14 located and where you could review them at.

15 Q Okay. You would also receive training in
16 the Code of Ethics; is that right?

17 A Well, periodically, you can get an e-mail to
18 them complete this course on the POD
19 system --

20 Q Okay.

21 A -- or on your computer.

22 Q Okay. Were there any other courses that you
23 took in the POD system besides a Code of

1 Ethics?

2 A Well, you did your -- the yardmaster has a
3 skills -- computer skills -- periodically,
4 he has to take a test on his -- his skills.

5 Q Okay.

6 A That's yearly, basically. So, you can get a
7 difference -- differential in pay for your
8 computer skills.

9 Q Okay. I show you this document that I'm
10 going to mark as Exhibit Number Three.

11 (At which time, the referred-
12 to document was marked as
13 Defendant's Exhibit No. 3 by
14 the Reporter.)

15 Q I'm not going to ask you to read that entire
16 document, but as it -- I would ask you just
17 to flip through it and see if it looks
18 familiar to you.

19 A Yes, it does.

20 Q All right. Does that appear to be the --
21 the CSX Code of Ethics policy?

22 A Yes.

23 Q Did you receive a paper copy of this policy

1 at any time point, or did you just have
2 access to it electronically?

3 A Access electronically.

4 Q Okay. Were you required as part of the PODS
5 program to review the whole policy?

6 A Actually, I'm pretty sure we just went
7 through any updates or changes in the Code
8 of Ethics or -- or different segments of it.

9 Q All right. Was there, like, a little
10 question and answers about the Code of
11 Ethics too as part of the training?

12 A That is correct. So they'd make sure you
13 understand it.

14 Q Okay.

15 THE WITNESS: Can I be excused for just
16 one second?

17 MR. BARKER: Sure.

18 THE WITNESS: I need to go to the
19 restroom.

20 MR. BARKER: That's no problem. We can
21 take a real quick break.

22 MR. ATCHISON: Yes, a few minutes. Now
23 is a good time.

1 (At which time, a recess was
2 taken.)

3 Q Mr. Hollon, did you have any classroom
4 training on the Code of Ethics?

5 A I cannot recall any.

6 Q Okay. Do you recall how many classroom
7 training -- You don't recall any?

8 A No, I don't recall any.

9 Q Okay. Would you turn to -- do you see those
10 little numbers in the bottom left-hand
11 corner there? The first page is -- I think
12 it says "three" at the bottom. Do you see
13 that? If you look in the first -- If you
14 look on the first page, it says "three." Do
15 you see that?

16 A It's got "three," yeah.

17 Q On the bottom, on the next page, it's got
18 "four" at the bottom.

19 A Yeah.

20 Q The third paragraph it says: CSX expects --
21 expects its directors, officers, and
22 employees to abide -- to understand and
23 abide by all legal requirements governing

1 the Company's business and operations.

2 Were you familiar with that
3 statement in the Code of Ethics?

4 A Yes.

5 Q All right. And -- and also said, "The
6 Company provides ongoing education and
7 guidance concerning applicable laws and
8 regulations."

9 Were you aware of that as well?

10 A That's correct, yes.

11 Q And then it says -- there's some bullet
12 points lower down the page, and the first
13 one says, "You are personally responsible
14 for your own conduct in complying with all
15 provisions of this Code of Ethics and for
16 promptly reporting known or suspected
17 violations of this Code of Ethics to your
18 supervisor, manager or the CSX Ethics
19 Information Hotline."

20 A That's correct.

21 Q You are familiar with that as well?

22 A Yes.

23 Q Okay. If you will, turn to the page that's

1 numbered eight at the bottom. There's a
2 section that says an "Accurate and Complete
3 Books, Records and Accounting." Do you see
4 that?

5 A Yes.

6 Q That first sentence says, "A company's
7 credibility is judged in many ways -- one
8 fundamental way is the integrity of its
9 books, records and accounting." Were you
10 familiar with that?

11 A Yes.

12 Q And the next paragraph says, "Every CSX
13 director, officer and employee must help
14 ensure that reporting of business and
15 financial information -- computerized, paper
16 or otherwise -- is accurate, complete and
17 timely." Were you familiar with that as
18 well?

19 A That's correct.

20 Q Okay. Did you ever have any training on
21 what I will call HR policies, like,
22 discrimination or things like that?

23 A Any training?

1 Q Yeah.

2 A Just through, like, what we would receive on
3 the PODS.

4 Q Okay. But there was never -- You don't
5 recall any classroom training on the
6 subjects?

7 A No.

8 Q But you did receive information about the
9 subjects on the PODS; is that right?

10 A That's correct, yes.

11 Q Okay.

12 MR. ATCHISON: What does that acronym
13 stand for?

14 MR. BARKER: I don't know what that one
15 stands for either. There are a
16 lot of acronyms.

17 Q So, do you know what the acronym PODS stands
18 for?

19 A No, I do not.

20 Q Okay. Being on the railroad is like being
21 in the military as far as acronyms go, isn't
22 it?

23 A Yes. It's different terminology.

1 Q Let me show you what's marked as Exhibit
2 Number Four there.

3 (At which time, the referred-
4 to document was marked as
5 Defendant's Exhibit No. 4 by
6 the Reporter.)

7 Q You don't have to read the whole thing, but
8 do you recall seeing a policy -- or
9 receiving a copy of something that looked
10 like this?

11 A Well, it's posted. I mean, you don't
12 physically obtain one, but it is posted.

13 Q Where is it posted at?

14 A This is posted in -- I believe in the copy
15 room.

16 Q Okay. So, that's something you see any time
17 you go in the copy room; is that right?

18 A Yes.

19 Q All right. But they don't distribute
20 personal copies of them; is that right?

21 A No, they do not.

22 Q Was that something that you received on PODS
23 as well?

1 A No, this is -- this policy is posted, but
2 you had access to it if you went through the
3 Gateway.

4 Q Okay. And the Gateway is the internal
5 computer system; is that right?

6 A That's correct.

7 Q Like a company internal Internet?

8 A Yeah.

9 Q Okay. Have you heard the term "intranet"
10 used before?

11 A I can't recall.

12 Q Okay. Now, you said that prior to 2006 the
13 only written discipline you can recall
14 receiving was a letter from Matt Meadows
15 regarding a -- a train assignment; is that
16 right?

17 A Well, he -- he claimed I delayed a train
18 because I was trying to add power to this
19 train to progress it to Birmingham.

20 Q Okay. And that's the only written
21 discipline you can recall receiving?

22 A That's correct.

23 Q Okay. Now, in 2006, there was a situation

1 in which you received some discipline; is
2 that correct?

3 A Explain what you mean by "discipline."

4 Q All right. Well, you were taken out of
5 service in May of 2006; is that right?

6 A No.

7 Q That's not correct?

8 A That's not correct.

9 Q When were you taken out of service?

10 A June of 2006.

11 Q All right. What is a remote control
12 operator?

13 A In the yard, we have switching operations
14 and we've gone to remote control
15 locomotives.

16 Q Uh-huh (positive response).

17 A Remote control operator operates the
18 engine -- it's a regular remote control box,
19 just like you would a remote control car.

20 Q Uh-huh (positive response). And a remote
21 control operator is a conductor who's been
22 trained how to operate that remote control
23 box; is that correct?

1 A It would be a switchman that is trained to
2 operate that remote control box.

3 Q Okay. Are there also conductors who are
4 trained to operate the remote control boxes
5 as well?

6 A Well, it's like in the -- in the yard and
7 the line of road you have different
8 terminology.

9 Q Okay.

10 A In the yard, you have switchmen or foremen.
11 On the line of road, you have conductors or
12 brakemen.

13 Q Okay. So, is the switchman a person who is
14 assigned to the terminal all the time?

15 A Well, his -- his terminology tells -- I
16 mean, he is a switchman. He switches box
17 cars --

18 Q Okay.

19 A -- in the terminal.

20 Q Okay. And that's what his job is?

21 A It is.

22 Q All right. And so, the people who are in
23 the switchman position are trained how to

1 use the remote control device; is that
2 right?

3 A The majority of them are, correct.

4 Q Okay. There are certain -- at least there
5 are certain ones who are trained?

6 A There are some that are not. That's
7 correct.

8 Q All right. Just like on a line of road,
9 there's some conductors who are trained on
10 how to use them and some who are not?

11 A I have not -- remote control is strictly in
12 the yards right at this minute.

13 Q Okay.

14 A It's not been approved by the FRA for the
15 line of road that I -- I know of.

16 Q Okay. Now, if a conductor operates a remote
17 control in the yard, is that person -- is he
18 referred to as a switchman when he's doing
19 that?

20 A Or a remote control foreman or a remote
21 control operator. He's still a switchman.

22 Q Okay. But if -- if I'm a conductor and the
23 train passes into the yard and I'm operating

1 the train inside the yard, am I considered a
2 switchman while I'm doing that inside the
3 yard or am I still just considered a
4 conductor?

5 A You're still considered a conductor.

6 Q Okay. So, when the train is inside the
7 yard, the switchmen are the ones -- ones who
8 are responsible for moving them around the
9 yard?

10 A He's responsible for reclassifying cars that
11 are brought into the terminal to be
12 reclassified.

13 Q Okay. And when you say "reclassified," what
14 does that mean?

15 A Say you have a train coming up from Mobile,
16 in his consist, he has trains -- cars going
17 to Atlanta or Birmingham or Selma.

18 Q Uh-huh (positive response).

19 A Then the -- the switching crew switches
20 these cars to these different classification
21 tracks.

22 Q Uh-huh (positive response).

23 A So, that can be built on other trains going

1 in those directions.

2 Q Were -- And you had never been a switchman
3 before; is that right?

4 A No, I have not.

5 Q Had any of the other terminal trainmasters
6 been switchmen before in Montgomery, to your
7 knowledge?

8 A A few of them had, but I would say a
9 majority of them had not.

10 Q In 2006, who were the other terminal
11 trainmasters?

12 A 2006?

13 Q Uh-huh (positive response).

14 A You had Warren Carr.

15 Q Okay.

16 A You're talking about at the time of my
17 demotion?

18 Q Yes.

19 A Warren Carr, Roger Jackson, Josh Connell and
20 myself.

21 Q All right. And how long had each of those
22 individuals been in Montgomery as a terminal
23 trainmaster?

1 A Roger Jackson had been -- had been a line of
2 road trainmaster several times, and he had
3 even been to New Orleans, during OEIs, where
4 he got bumped to.

5 Q Okay.

6 A So, he had probably been back in Montgomery
7 probably about a year or a little less than
8 a year.

9 Q But he had been in various trainmaster
10 positions for some period of time before
11 that?

12 A Yes. That's correct.

13 Q Okay. What about Josh Connell?

14 A He was actually a -- He was actually from
15 Alabama, but he had transferred back from, I
16 think, Albany in New York.

17 Q Okay. And had he been a terminal
18 trainmaster there?

19 A In Albany?

20 Q Yeah.

21 A I'm not sure if it was terminal or line of
22 road.

23 Q Okay.

1 A But, yes, he was a trainmaster in New York.

2 Q Okay. So, it's Josh Connell and Warren
3 Carr?

4 A Yes.

5 Q And who is -- yourself, and who was the
6 other person?

7 A Roger Jackson.

8 Q Jackson. How long had Warren Carr been a
9 trainmaster?

10 A Just a rough guess, probably -- Well, he --
11 he was the -- the assistant terminal manager
12 in Montgomery at a period.

13 Q Okay. So, before O -- OEI, he had been the
14 assistant terminal manager?

15 A Well, right before -- I'm not sure if he got
16 bumped down before OEI or during OEI.

17 Q Okay.

18 A But he was, like, a trainmaster in Mobile.
19 I think he was a -- a trainmaster in
20 Flomaton. But Montgomery was his home
21 terminal. That's where he first hired out
22 at --

23 Q Okay.

1 A -- on the Western of Alabama with myself.

2 Q Okay. Had you-all been working on the
3 Western of Alabama together for a long time?

4 A Well, I worked with him a few years as -- as
5 a clerk, yes.

6 Q Okay. And all those guys -- Josh Connell,
7 Roger Jackson, Warren Carr, and yourself,
8 you had all been in Montgomery at least a
9 year at that point; is that right?

10 A Or longer, yes.

11 Q Or longer. At least a year?

12 A Yes.

13 Q Okay. Were -- was Josh Connell, Roger
14 Jackson, or Warren Carr -- Do you know if
15 they were -- any of them were trained on how
16 to operate remote control devices?

17 A I would say Roger Jackson and Warren Carr
18 both were.

19 Q All right. And do you know how it was they
20 came to be trained on how to operate remote
21 control devices?

22 A Well, like I stated in my paperwork,
23 Montgomery was one of the first terminals

1 that went remote.

2 Q Uh-huh (positive response).

3 A So, basically, Roger Jackson went to be
4 trained in remote control -- I think in the
5 same area as Georgia -- along with Warren
6 Carr, I think, Matt Meadows and Charlie
7 Brown.

8 Q Uh-huh (positive response). They all went
9 through training in remote controls?

10 A That's correct. But the three terminal
11 trainmasters -- three or four terminal
12 trainmasters that actually ran the terminal
13 were never afforded the training to go to
14 these locations.

15 Q Okay. So, at that point, Charlie Brown,
16 Matt Meadows, Warren Carr were all above the
17 level -- level of terminal trainmaster when
18 they received that kind of training in
19 remote controls?

20 A Yes.

21 Q Okay. And Roger Jackson was also above the
22 level of terminal trainmaster?

23 A He was a line of road trainmaster.

1 Q Oh, he was a line of road trainmaster.

2 A I'm not sure why he even needed it.

3 Q Were there any other terminal trainmasters,
4 to your knowledge, in Montgomery who
5 received that remote control training while
6 they were in the terminal trainmaster
7 position?

8 A Mike Langford finally did towards the end of
9 the -- before he left for Dothan.

10 Q Okay. Was terminal -- or was remote control
11 training something you could sign up to
12 take? How did one --

13 A Well, usually, your terminal manager would
14 sign you up for certain classes to go to.

15 Q Okay. And did you have to request those
16 classes, or did they just pick things for
17 you to take?

18 A Usually, they would look at the schedule and
19 try to work you in, which they never worked
20 any -- any of us in, basically.

21 Q Okay. Did you ever ask to take remote
22 control training?

23 A With Ms. Angie Averitte, yes, I did on

1 two -- several occasions.

2 Q All right. And what did she tell you in
3 response to that?

4 A Well, it seems like she -- she lined me up
5 for a class. Something would always take
6 place. You'd have a change of a supervisor
7 where, you know, you'd have to stay in a
8 terminal to work while they were gone or
9 whatever.

10 Q Uh-huh (positive response). So, you may
11 have been signed up for a class, but you --
12 because of various circumstances, you were
13 never actually able to take the classes?

14 A That's correct.

15 Q All right. Other than Angie Averitte, were
16 there any other people you talked to about
17 the remote control training?

18 A Well, Matt Meadows had us -- I'm pretty sure
19 he had a line -- us lined up to go to -- I
20 think they changed it from Saint Mary's to
21 Huntington, West Virginia, or Maryland. And
22 that was probably about the time of OEI when
23 all the roll-downs took place.

1 Q Okay. So, you think that Matt Meadows had
2 you signed up for the training as well --

3 A Yes.

4 Q -- but then there was OEI --

5 A Yes.

6 Q -- and the training never happened at that
7 point.

8 A That's correct.

9 Q Okay. Now, what is a road foreman of
10 engineers?

11 A Usually, he is an engineer who is a -- as a
12 supervisor/manager, which is called road
13 foreman of engines, which --

14 Q Engines. I'm sorry.

15 A -- he deals with strictly engineers.

16 Q Okay. So, he's like the person who
17 supervises engineers, basically.

18 A Yes.

19 Q And then there's a senior road foreman of
20 engines as well; is that right?

21 A Yes. He would be over your line of -- other
22 road foremen of engines.

23 Q Okay. And where are road -- road foreman of

1 engineers and senior road foreman of --
2 excuse me, road foreman of engines and
3 senior road foreman of engines, where are
4 they based out of?

5 A Your senior road foreman of engines is
6 Atlanta, Georgia, for this division.

7 Q Okay. What about the -- just the road
8 foremans of -- foreman of engines?

9 A Well, in Montgomery, you have two, which is
10 the road foreman of engines for the M and M
11 part of the Montgomery or Atlanta division.
12 Then you have another one which covers from,
13 like, Montgomery to Atlanta or short of
14 Atlanta.

15 Q Okay. And do they have, like, a geographic
16 assignment based on a particular -- sort of
17 a sub-component of a local railroad
18 division?

19 A Yes, or maybe one covers the other one when
20 he's off or on vacation, whatever.

21 Q Okay. In 2006, the two -- who were the two
22 road foremen of engines in Montgomery?

23 A Wayne Powe and T.J. Dean.

1 Q Okay. How do you spell Powe for her?

2 A P-O-W-E.

3 Q Okay.

4 MR. ATCHISON: Off the record.

5 (At which time, a recess was
6 taken.)

7 Q In May of 2007, do you -- or '06, do you
8 recall there was an occasion where you
9 needed a remote control operator where there
10 wasn't one that was available?

11 A That's correct.

12 Q All right. And that -- So, you needed to
13 call in somebody who was certified; is that
14 right?

15 A That's correct.

16 Q All right. And the person who you
17 identified to call was J.R. Weeks; is that
18 right?

19 A That's correct.

20 Q Jeremy Weeks; is that --

21 A Yes. That's correct.

22 Q How did -- How did you know who was
23 available to be called?

1 A Well, actually, it was a little tight on the
2 S and A South, Atlanta, M and M, and Dothan
3 side. So, you did not want to use an
4 engineer to convert a position. So, the
5 switchman of the board was exhausted. We
6 needed remote control people or personnel.

7 Q Right.

8 A So, we -- So, I went to the brakeman's board
9 on the M and M side, which they fluctuate
10 from the yard to the road. And Jeremy Weeks
11 had worked for me before as a remote control
12 operator. So, I told the crew caller to
13 give him a call for a remote control
14 operator.

15 Q Okay. Can you explain what a board is, what
16 you're referring to? When you go the
17 brakeman's board, is that like a listing of
18 who the brakemen were who were available?

19 A Well, it -- it goes back to crew calling.
20 You have an engineer's board, which is a
21 list of the engineers that are qualified for
22 that particular part of the railroad.

23 Q Okay.

1 A Then you have a conductors. You have a
2 brakeman, which you usually go first in to
3 first out. I mean, if you come in on a
4 train and if you're extra, you go to the
5 bottom of the board.

6 Q And so, if you were short a switchman, you
7 could have converted -- you could have asked
8 an engineer to come in and perform that duty
9 but you were --

10 A Not an engineer, no.

11 Q Okay. When you say "converting
12 an engineer," what do you mean by that?

13 A Converting a yard job where you don't have
14 remote control operated people qualified,
15 you can call in an engineer to operate the
16 engine.

17 Q Okay. So, you could have called an --
18 theoretically, you could have called in an
19 engineer to operate an engine within the
20 yard there where you didn't have any remote
21 control operators available.

22 A That's correct.

23 Q But you were short on engineer's on several

1 of the -- the areas that Montgomery was
2 responsible for?

3 A That's correct.

4 Q And so, instead of converting an engineer,
5 asking an engineer to come in off of the --
6 off the line or stop being on call for being
7 on the line, you looked at the brakeman's
8 board and found a brakeman who was remote
9 control qualified; is that right?

10 A That's correct.

11 Q All right. And was there more than one
12 brakeman who was a remote control
13 operator -- remote control certified who was
14 available?

15 A I -- I could not recall to be honest. I --
16 I remember Jeremy Weeks had worked in the
17 yard before.

18 Q Okay. So, he had -- and yet he worked for
19 you as a remote control operator before; is
20 that correct?

21 A That's correct, yes.

22 Q So, you called Jeremy -- did you call him
23 personally, or did the -- the clerk call

1 him?

2 A The crew caller did.

3 Q Okay. So, the crew --

4 A The yard crew caller.

5 Q The yard crew caller called Weeks. And did

6 he just show up, or what happened then?

7 A Well, he -- he -- he called -- he told the

8 crew caller that his remote control card had

9 not been signed. So, I asked the crew

10 caller was it still in date, and he said it

11 was. It was, like, good until March of

12 2007.

13 Q Okay. Now, what is a remote control card?

14 A It's just a FRA document saying you're

15 authorized to, like, operate that engine in

16 a remote control.

17 Q All right. To be a remote control operator,

18 you have to be certified by the Federal

19 Railway Administration; is that right?

20 A Yes.

21 Q And if you're not certified, then you're not

22 legally allowed to operate --

23 A That's correct.

1 Q -- an engine; is that right?

2 A That's correct.

3 Q And the company has its own policy that
4 parallels that legal requirement; is that
5 right?

6 A Well, it usually goes hand in hand with what
7 the FRA dictates.

8 Q Uh-huh (positive response). But, I mean,
9 the FRA has a rule -- the company has a rule
10 just like the FRA rule?

11 A Basically, yes.

12 Q Okay. Now, when you say that the person's
13 FRA card or their remote control operator
14 card needs to be signed, what does that
15 mean?

16 A That means that a qualified manager has to
17 watch him perform or operate the remote
18 control locomotive.

19 Q Okay. And how does one become a qualified
20 manager who's authorized to do that?

21 A Usually the way I understand it, he has to
22 be an engineer and has to be trained because
23 we -- we have a trainer in Montgomery who

1 trains the remote control operators, but he
2 cannot sign the card.

3 Q Okay. So, to become a remote control
4 operator you have to go to the class and
5 then you actually have to have an engineer
6 sign -- sign off on the certification; is
7 that right?

8 A Well, you go through the class, and you have
9 hands-on operating.

10 Q Uh-huh (positive response). And then that
11 engineer has to sign off on the -- the card
12 itself --

13 A That's correct.

14 Q -- that they've observed you?

15 A Yes.

16 Q All right. And -- and it's a management-
17 level engineer, so a road foreman
18 of engines, basically; is that right?

19 A That's correct. Yes.

20 Q And at that time in Montgomery, there were
21 two road foremen of engines: T.J. Dean
22 and -- is it Warren Powell or Wayne Powell?

23 A Wayne Powe.

1 Q Powe. Okay. So, those are the two
2 potential road foreman of engines who could
3 sign a card?

4 A That's correct.

5 Q Do you know how -- how long a card signature
6 is valid for?

7 A Roughly, I will say two years, but I cannot
8 swear to that.

9 Q Okay. And you had never had -- you had
10 never been an engineer or a road foreman
11 of engines; is that right?

12 A No, I had not.

13 Q All right. So, that was an area that you
14 weren't as familiar with; is that right?

15 A That's correct.

16 Q But you did have some knowledge of what the
17 rules were that governed those remote
18 control certifications and the -- who could
19 and could not operate a remote control
20 engine; is that right?

21 A Basically, yes.

22 Q So, you spoke with Weeks -- Did you
23 personally speak with Weeks about whether

1 his card was signed or not?

2 A Well, the crew caller gave him the call.

3 And usually, there's a road foreman of
4 engines out there on Saturday morning
5 anyway. So, I told him to come on out,
6 that, you know, somebody would sign his
7 card.

8 Q Okay. Did you -- Did you check to see
9 whether there was a road foreman of engines
10 there already, or did -- is that just the
11 usual practice, that there was somebody who
12 was there?

13 A Usually, there's somebody there on Saturday.
14 I usually got there an hour or two
15 earlier --

16 Q Okay.

17 A -- before one them showed up.

18 Q Okay.

19 A But I did call T.J. Dean to give him a
20 little heads up that I would probably need
21 his signature -- or to sign a remote control
22 card.

23 Q Okay. And -- and what did he say?

1 A He -- he instructed me to sign it. Then
2 I -- I questioned him to have the authority
3 to. Then he told me to get Mr. Weeks to
4 call him when he come in.

5 Q Okay. Did Mr. Weeks talk to Mr. Dean first
6 or did you --

7 A I called Dean first.

8 Q So, you called Dean first?

9 A Yes.

10 Q And then Weeks called Dean. Then Dean told
11 you to tell Weeks to call him when he
12 arrived?

13 A That's correct. Yes.

14 Q Did Dean say where he was at that point?

15 A No, he did not.

16 Q What about Warren Powe, did you -- did you
17 try him too?

18 A No, I didn't try Warren because I had
19 communicated with T.J.

20 Q Okay.

21 A So, T.J. was supposed to take care of it.

22 Q Okay. And in terms of corporate hierarchy,
23 I realize the terminal -- the terminal

1 trainmaster is sort of in one hierarchy who
2 reports to the terminal manager, correct?

3 A Yes.

4 Q The road foreman of engines is in a separate
5 hierarchy, is that right, who reports to a
6 senior road foreman of engines?

7 A Yes.

8 Q So, there's, like, a parallel reporting
9 structure there; is that right?

10 A I would say yes.

11 Q And -- and you didn't report to T.J. Dean,
12 and he didn't report to you; is that right?

13 A That's correct. Yes.

14 Q In terms of managers, does the company have,
15 like, grades or levels that are assigned to
16 those of any kind of numeric or alphabetical
17 nature?

18 A Numerical grades, yes.

19 Q Okay. And what is the lowest end of the
20 numerical grades?

21 A I've seen a two. I'm not sure if it goes
22 below a two.

23 Q Okay. So, two is, like, a low -- low-level

1 manager?

2 A Yes.

3 Q And do you know how high the higher end of
4 that scale goes?

5 A Probably -- I'm not for sure -- probably a
6 seven or higher.

7 Q Okay. So, they get bigger --

8 A Yes.

9 Q -- as they go up?

10 A Yes.

11 Q Okay. And what -- what is the numerical
12 rating for a terminal trainmaster?

13 A Well, assistant was three; terminal
14 trainmaster was a four.

15 Q Okay. Do you know what the numerical rating
16 is for a road foreman of engines?

17 A No, I do not.

18 Q Okay. So, you talked -- Weeks -- or the
19 next thing that happened that Weeks arrived
20 at the yard; is that right?

21 A That's correct.

22 Q And what happened then?

23 A He -- he come in, and I told him to call

1 T.J. So, him and T.J. communicated.

2 Q Were you in the room when they were
3 communicating?

4 A Yes.

5 Q Okay.

6 A It was in my office -- or the yard-
7 master's -- trainmaster's office.

8 Q Was it on the phone?

9 A Yes.

10 Q Okay. And what happened then?

11 A T.J. told him to tell me to sign it. Then I
12 said I'm not sure I'm -- I'm supposed to
13 sign that card. So, then I called T.J.
14 back, and he instructed me to go ahead and
15 sign -- sign the card, and that he would be
16 in to take care of the computer work and to
17 watch Mr. Weeks operate the remote control
18 locomotive.

19 Q Okay. Had you ever signed a card like that
20 for anybody before?

21 A No, I had not.

22 Q Was there anybody that you had ever seen
23 sign a card for somebody before who wasn't

1 an engineer or a road foreman of engines?

2 A There was a trainmaster on S and A South --
3 this happened afterwards -- that signed a
4 card for a locomotive engineer.

5 Q Who was that?

6 A It's ken Williams.

7 Q Okay. So, after this happened, Ken
8 Williams -- Did you see Ken Williams sign
9 this card for this person or did you hear
10 that he signed it?

11 A I just -- I just heard.

12 Q So, you heard Ken Williams signed the card.
13 And he is in Montgomery, or is he somewhere
14 else?

15 A He's actually a line of road trainmaster for
16 Calera, or the S and A South.

17 Q And you heard that -- that he signed -- do
18 you know who the person's card was?

19 A No, sir, I do not recall.

20 Q Do you know if he is remote control
21 certified?

22 A An engineer I would say, no, but there's a
23 possibility maybe we have conductors

1 stepping up to the engineer rank.

2 Q All right. You refer -- So, you're not sure
3 if Ken Williams is remote control certified
4 or not?

5 A I'm not sure of that, no.

6 Q He could be?

7 A Well, that wasn't an issue. This is a
8 locomotive engineer's certification. That's
9 not --

10 Q So, you have to be a locomotive engineer to
11 certify that?

12 A I would say yes.

13 Q All right. That's your understanding, at
14 least?

15 A Yes.

16 Q Okay. And --

17 A Or a road foreman of engines.

18 Q Or a road foreman of engines.

19 A Yes.

20 Q And as a line of road trainmaster, he would
21 not be an engineer or a road foreman of
22 engines; is that right?

23 A I wouldn't -- I wouldn't think he would be

1 authorized to sign it being a line of road
2 trainmaster even if he was an engineer.

3 Q Okay.

4 A He's not a road foreman of engines.

5 Q Okay. And do you know who the person's card
6 was he -- you heard he signed?

7 A No, sir, I do not.

8 Q But you heard him sign somebody's card?

9 A That's correct.

10 Q And that was after this occurred with --
11 with you?

12 A That's correct.

13 Q Before this occurred, had you ever heard of
14 anybody signing who was not a road foreman
15 of engines or an engineer signing a remote
16 control operator's FRA certification?

17 A No.

18 Q All right. Where did T. J. Dean say he was
19 at this point?

20 A He did not say.

21 Q All right. And did you ask him if you could
22 wait until he got there for -- to put Weeks
23 out in the yard?

1 A No, I didn't. He told me he was in route,
2 go ahead and sign it, and he'd take care of
3 watching them operate the remote and putting
4 the information into the -- the computer.

5 Q Okay. Did he tell you how long it would be
6 before he would be there?

7 A No, he didn't.

8 Q And this was on Saturday; is that right?

9 A That's correct.

10 Q Do you remember what time of the day it was,
11 roughly, morning, afternoon?

12 A It was morning because of the -- the two
13 remotes on the South and one goes on duty at
14 7:30 eastern or 8:00 eastern. So, it was
15 fairly early.

16 Q Okay. And so, Dean told you to sign the
17 card and that he would handle the paper --
18 he would enter the information into the
19 computer and do the observation when he
20 arrived; is that right?

21 A That's correct.

22 Q And then at that point, you signed the card;
23 is that right?

1 A With his instruction and authority, yes, I
2 signed it.

3 Q Do you know if he had the ability to
4 delegate to you the authority to sign that
5 card for him?

6 A Well, we signed -- I mean, all through CSX
7 people sign from the agent -- As a clerk, I
8 signed the agent's name when I received any
9 waybills from a customer. Then you would
10 initial it.

11 Q A waybill from a customer is not an FRA
12 document, though, is it?

13 A It's still a company document.

14 Q But are you aware --

15 A It's a legal and binding contract.

16 Q Are you aware of any FRA documents that
17 people sign other people's names to?

18 A No.

19 Q All right. And you were concerned that this
20 wasn't -- this wasn't appropriate, weren't
21 you? That's why you called T.J. Dean back
22 several times?

23 A That's correct.

1 Q Okay. So, you signed the document. Did you
2 sign your name to it or T.J. Dean's name to
3 it?

4 A I was instructed to sign his name, and I
5 signed his name.

6 Q Okay. Did you just sign T.J. Dean or T.J.
7 Dean by Ron Hollon or --

8 A I can't recall if I signed it, initialed it,
9 or just signed it.

10 Q Okay. And then what happened? You send
11 Weeks out in the yard?

12 A Yes.

13 Q Okay.

14 A That's correct.

15 Q And do you recall how long it was before
16 T.J. Dean arrived?

17 A It was probably about mid-morning.

18 Q So, two or three hours later?

19 A Maybe, yeah, an hour and a half to two hours
20 later.

21 Q At any point, did you contact Warren Powe --
22 or is it Powe? Is that how you say it?

23 A Powe. No, I did not.

1 Q Okay. Why didn't you contact Warren Powe
2 and see if he was available to sign it?

3 A I had contacted the road foreman of engines,
4 and he was supposed to take care of it --
5 taken care of it.

6 Q Okay. And are the road foremen of
7 engines -- do they have a set schedule like
8 what -- do they take turns on Saturdays, or
9 how does that work as far as which one is
10 going to be there what days?

11 A I'm not for sure how the senior road foreman
12 of engines covers that. I know they're
13 basically on call a lot. And I imagine
14 somebody covers their off days.

15 Q Okay. Do you know if that date was T.J.
16 Dean's off date?

17 A No. I could not tell you.

18 Q Okay.

19 A He did not tell me that it was his off day.

20 Q Okay. He did not tell you it was his off
21 day. And once you had contacted him, you
22 didn't think it was necessary to contact
23 anybody else?

1 A No, sir.

2 Q Because you had contacted him?

3 A Yes.

4 Q All right. So, he arrives later on that
5 morning, and he entered into the computer.
6 So, he did -- he did the remote observation
7 himself; is that right?

8 A The way I understand it, yes, he did.

9 Q Were you present when he did that
10 observation?

11 A I was -- I was present in the yard office.

12 Q You were not present, like, physically
13 present?

14 A In the yard --

15 Q In the yard.

16 A -- watching him?

17 Q Yes.

18 A No, I was not.

19 Q Okay. And then he indicated in the
20 computers that he did done the observation
21 and signed the card for Mr. Weeks; is that
22 right?

23 A The best of my knowledge, yes.

1 Q All right. You didn't witness that either?

2 A I did not actually witness it.

3 Q All right. And then when is the next time
4 that you heard anything about this issue?

5 A This issue? The FRA lady, Marlo Owens,
6 called me from Atlanta and said she just
7 needed to interview me, and that she knew I
8 was going on vacation the next week. That
9 she would just interview me when I first got
10 back.

11 Q Okay. And do you know how the -- the issue
12 came to the attention of the FRA?

13 A I'm not sure if a -- some switchman
14 questioned it or Mr. Dale Barnett questioned
15 it. I think it went from switchman to Mr.
16 Barnett, from Mr. Barnett to the FRA.

17 Q Okay. So, one of the switchman in the yard
18 questioned -- Your understanding, at least,
19 is one of the switchman in the yard --

20 A Yes.

21 Q -- questioned the appropriateness of your
22 signing that certification?

23 A That's correct.

1 Q Do you know which switchman that was?

2 A It could have been Mr. Weeks, or it could
3 have been -- There's several people there it
4 could have been.

5 Q All right. But you don't know which one it
6 was?

7 A Directly, no, I do not.

8 Q Have you heard which one it was?

9 A I've heard several things.

10 Q Okay. What have you heard?

11 A Well, I've heard it could have been Tim
12 Hicks, the remote control trainer. I've
13 heard it could have been Mark Strickland,
14 who is the conductor trainer. It could have
15 been Jeremy Weeks or David Brown, who worked
16 on the other remote control locomotive.

17 Q All right. Did you ever ask any of those
18 individuals whether they were the ones who
19 contacted --

20 A No, I did not.

21 Q Okay. Well, let me repeat this because I
22 didn't quite finish. I want to be clear.

23 You never asked any of those

1 individuals if they were the person who
2 contacted the FRA, is that right, or
3 initiated contact with the FRA?

4 A That's correct.

5 Q Okay. Ultimately, your understanding is
6 that Dale Barnett contacted the FRA; is that
7 right?

8 A That's correct.

9 Q Dale Barnett is a local union official; is
10 that right?

11 A He's the -- You might call him the safety
12 coordinator for the Atlanta division.

13 Q Okay. But is -- He's also a union
14 representative as well; is that right?

15 A Yes.

16 Q Is his position safety coordinator -- is
17 that a company position, or is that a union
18 position?

19 A I would say company.

20 Q Okay. So, his job with the company is to be
21 the safety coordinator, but he also happens
22 to have some sort of management role in the
23 union as well or doesn't he?

1 A Well, he's a union rep, I guess.

2 Q Okay. He's an elected union rep?

3 A Yes.

4 Q So, one of the -- the members in his unit
5 has a concern about something, they come to
6 him and he presents it to the company; is
7 that right?

8 A That's correct.

9 Q Okay. And in this case, he presented that
10 concern directly to the FRA; is that
11 correct?

12 MR. ATCHISON: If you know.

13 A That's correct.

14 Q That's what you've been told?

15 A That's what I've been told.

16 Q Did you ever speak with Mr. Barnett about
17 it?

18 A Seemed like he come in later that day and
19 made the statement that what we did was
20 wrong.

21 Q Okay. So, the very day this happened, Mr.
22 Barnett came in and said something to you
23 about it?

1 A Later that evening, yes.

2 Q Yeah, later that evening, he came and said
3 something to you about it?

4 A That's correct.

5 Q And what was your response?

6 A To be honest, I can't recall what I
7 responded to him.

8 Q Okay. Was anybody else present when you had
9 this conversation?

10 A There was a yardmaster directly behind me.

11 Q Do you remember who the yardmaster was?

12 A I would say it was Lonnie Neese.

13 Q Okay. And was that the first time anybody
14 had told you they thought it was
15 inappropriate for you to sign the
16 certification?

17 A Yes.

18 Q All right. Who was the next person you
19 heard from about the certification? Was
20 that the lady from the FRA in Atlanta?

21 A Well, she just wanted to interview me about
22 the circumstances that took place.

23 Q All right. But between the time that you

1 spoke with Mr. Barnett and the time you
2 heard from the lady with the FRA in Atlanta,
3 did you hear from anyone else at the company
4 or the union or the FRA about the
5 certification issue?

6 A I can't recall, to be honest. I just
7 remember those -- those two.

8 Q At some point, Rodney Saunders contacted you
9 about the issue; is that right?

10 A He did not contact me.

11 Q Did you ever -- Did you ever speak to Rodney
12 Saunders about the issue?

13 A No, I did not.

14 Q Did Jason Tipton contact you about the
15 issue?

16 A He contacted me in the middle of my
17 vacation, June the 7th, which was roughly a
18 week and a half, maybe two weeks later after
19 the incidence.

20 Q Was this before or after you had spoken with
21 the woman from the FRA?

22 A This was after she had told me she would
23 interview me when I come back from my

1 vacation.

2 Q Okay. Who -- At that time, what was Rodney
3 Saunders' position?

4 A He was a senior road foreman of engines.

5 Q Okay. So, he was the chief engine -- person
6 over engineers in the Atlanta division; is
7 that right?

8 A That's correct.

9 Q And Jason Tipton was the terminal manager in
10 Montgomery at that time; is that right?

11 A That's correct.

12 Q So, he was who you reported to?

13 A That's correct.

14 Q Okay. Did -- And Jason contacted you over
15 the telephone, I guess, while you were on
16 vacation?

17 A Over my cell phone. That's correct.

18 Q And what do you recall of that conversation?

19 A Well, actually, he left me a voice mail to
20 call him back as soon as possible once I got
21 that voice mail.

22 Q And where were you at that point?

23 A I was at the Water Park in Panama City,

1 Florida.

2 Q Okay. And did you contact him?

3 A As soon as I received my voice messages,
4 yes, I did.

5 Q Was -- That was that day or the next day?

6 A Yes, it was that very same day.

7 Q Okay. And what do you recall about the
8 conversation you had with him?

9 A He told me that I was pulled out of service
10 until further advised; that he needed a
11 written statement faxed to him as soon as
12 possible.

13 Q Uh-huh (positive response). Did he tell you
14 what needed to -- what --

15 A He just told me to write down what I
16 remembered about the incidence that day.

17 Q All right. And he didn't give you any
18 further instructions about what to include
19 in the statement or what not to include?

20 A Just the -- what happened that day.

21 Q Okay. I'm going to show you this document
22 I'm going to -- I'm going to mark Exhibit
23 Number Five.

1 (At which time, the referred-
2 to document was marked as
3 Defendant's Exhibit No. 5 by
4 the Reporter.)

5 Q Is this the -- the statement you prepared?

6 A Yes, it is.

7 Q All right. And this is your handwriting; is
8 that right?

9 A That's correct.

10 Q And is -- The date on here at the top, is
11 that the date you prepared it?

12 A That's correct.

13 Q Now, if you had received remote control
14 operator training, you still would not have
15 been authorized to sign for remote control
16 operator certification. That's your
17 understanding, correct?

18 A Yes.

19 MR. ATCHISON: I'm going to object to
20 the form. It may call for a legal
21 conclusion.

22 MR. BARKER: I will leave my question
23 as it stands.

1 Q Do you -- Okay. You said, yes, that you
2 would have needed to be a road foreman of
3 engines to be authorized to sign that card,
4 is that right, regardless of whatever
5 training you had received?

6 MR. ATCHISON: Same objection.

7 Q Is that your understanding, that even if you
8 had received remote control operator
9 training, you would not have been authorized
10 to sign that card?

11 A Can you repeat that?

12 Q All right. Is it your understanding that,
13 even if you had received a remote control
14 operator training, you would not have been
15 authorized to sign that card -- that remote
16 control operator card?

17 A As a trainmaster or a road foreman of
18 engines?

19 Q As a trainmaster.

20 A That's correct.

21 Q All right. You would have needed to have
22 been a road foreman of engines to have
23 signed that card; is that right?

1 A That's correct.

2 Q And you at no point in your career were an
3 engineer or a road foreman of engines; is
4 that correct?

5 A That's correct.

6 Q Now, at this point, you had been in -- in a
7 management position as either an assistant
8 trainmaster or a trainmaster since 2001; is
9 that right?

10 A That's correct.

11 Q So, a little over five years?

12 A It was right at five years. Yeah, a little
13 over five years.

14 Q And how many years before that had you been
15 a yardmaster?

16 A Roughly, ten -- nine to ten.

17 Q Okay. And then you had approximately ten
18 years as a clerk before that?

19 A That's correct.

20 Q And your total service time was about 25
21 years?

22 A 25, 26. Yeah, 25 years.

23 Q Okay. Now, the statement you wrote here is

1 directed to a Rodney Saunders; is that
2 right?

3 A I'm pretty sure that's who Jason told me to
4 address it to.

5 Q All right. Did -- Did Jason tell you
6 that -- that Mr. Saunders was conducting an
7 investigation of the issue?

8 A No. He just told me to write out a
9 statement what happened that day.

10 Q Did he tell you why that you needed to write
11 out a statement?

12 A That I was pulled out of service, and they
13 needed a statement that -- other than that,
14 no.

15 Q All right. Is that the first time you had
16 ever been pulled out of service before?

17 A Yes.

18 Q All right. Either as a management or a
19 union employee?

20 A Any time during my 25 years of railroad
21 career.

22 Q Okay. And this statement you wrote up,
23 that's an -- an accurate reflection of your

1 recollection of what happened on that date?

2 A Other than the -- the last request when I
3 asked T.J. Dean if I should sign that and he
4 instructed me to sign the damn card, but
5 other than that, yes.

6 Q So, that was what he said: Just go ahead
7 and sign the damn card?

8 A That's correct.

9 Q But, otherwise, this is an accurate
10 reflection?

11 A That is correct.

12 Q And so, you sent this to -- to -- to Mr.
13 Tipton on the morning of the 7th -- or
14 sometime during the day of the 7th; is that
15 right?

16 A It was at lunch or a little -- probably
17 about 1:00 o'clock that day. That's
18 correct.

19 Q And the day you actually signed the card was
20 the 27th of May; is that right?

21 A That's correct.

22 Q Which was a week and a half or so earlier?

23 A That's correct.

1 Q Do you know if the company can be fined or,
2 otherwise, punished for having an -- an
3 inaccurate signature on a FRA certification?

4 A Well, I know that the FRA reviewed it and
5 did not fine CSX or find any wrongdoing --

6 Q Did you understand --

7 A -- under the circumstances.

8 Q Did you understand that, if the FRA had
9 found wrongdoing, they could have fined CSX?

10 A And myself, yes.

11 Q And you personally?

12 A That's correct.

13 Q Okay. But they did not -- they determined
14 that Mr. Weeks' prior observation was still
15 valid. So, it wasn't necessary for you to
16 sign the card; is that right?

17 A That is correct.

18 Q So, the -- his card was still valid and
19 didn't need -- need to be signed at that
20 time; is that right?

21 A Well, I think he had a 60-day period from
22 the time he first began operating a remote
23 control engine again --

1 Q Okay.

2 A -- for it to be signed and for him to be
3 observed.

4 Q All right. And you were not aware of that
5 grace period at the time you signed his
6 card, were you?

7 A I was. But like I said before, I was
8 instructed by the road foreman of engines to
9 sign it.

10 Q Okay. Did you understand that there was a
11 grace period in which he had to operate the
12 engine without having --

13 A No, I did not.

14 Q -- his card signed? Okay. We're starting
15 to talk over each other just a little bit.
16 Now I want to just slow down just so we're
17 clear because I don't want to interrupt you.

18 A Okay.

19 Q After the fact -- After the investigation
20 was done, you learned that it wasn't
21 necessary for you to sign the card because
22 there was a grace period; is that right?

23 A Repeat that.

1 Q After the investigation was done by the FRA,
2 you learned that it wasn't necessary for you
3 to sign the card because he had a 60-day
4 grace period in which to get that card
5 signed; is that right?

6 A Actually, I think it was before the
7 investigation of the FRA because I think,
8 during the process, T.J. had contacted
9 either Mr. Saunders or somebody in
10 Jacksonville about the incident.

11 Q Okay. The -- but -- On the day that you
12 signed it, you didn't realize there was this
13 grace period?

14 A No, I did not.

15 Q Okay. After you spoke with Jason Tipton at
16 some point during this process, Mr. Dean
17 contacted either Mr. Saunders or someone in
18 Jacksonville; is that right?

19 A That's correct.

20 Q Do you know if the FRA contacted
21 Mr. Saunders or anyone in Jacksonville?

22 A Me personally, no, I do not.

23 Q All right. Have you heard that any -- that

1 FRA contacted Mr. Saunders or anyone in
2 Jacksonville?

3 A No.

4 Q Okay. Do you know if the FRA contacted
5 Mr. Tipton?

6 A Personally, no, not at all.

7 Q All right. Do you have any idea how
8 Mr. Tipton or Mr. Saunders learned about the
9 certification issue?

10 A No, I do not.

11 Q Okay. But they did learn about it, and
12 Mr. Tipton asked you to submit a description
13 of what happened; is that right?

14 A A statement.

15 Q A statement?

16 A That's correct.

17 MR. ATCHISON: Can we take a short
18 break?

19 MR. BARKER: Okay.

20 (At which time, a recess was
21 taken.)

22 Q Mr. Hollon, is it your understanding that
23 Marlo Owens, the woman from the FRA, came to

1 Montgomery while you were on vacation?

2 A No, I wasn't.

3 Q Did you hear -- do -- do -- Let me rephrase
4 that.

5 Do you know if she ever came to
6 Montgomery as part of her investigation?

7 A To this one or...

8 Q To this issue, yes.

9 A Not that I can recall.

10 Q All right. Did anyone ever tell you that
11 she came to Montgomery while she -- while
12 you were on vacation?

13 A No, they did not. She said I was just --
14 she were -- that she would get with me when
15 I come back from vacation to give a
16 statement.

17 Q Okay. But she didn't tell you she was
18 coming to Montgomery whether you -- when you
19 were gone or anything like that?

20 A Not that I can recall, no, sir.

21 Q All right. I'm going to show you this
22 document that I'm going to mark as Exhibit
23 Number Six.

1 (At which time, the referred-
2 to document was marked as
3 Defendant's Exhibit No. 6 by
4 the Reporter.)

5 Q Have you had a chance to review that
6 document, Mr. Hollon?

7 A Yes.

8 Q Have you ever seen that document before?

9 A Yes, I have.

10 Q When did you see it?

11 A I -- I believe I saw it yesterday.

12 Q All right. Before yesterday or before this
13 month, have you ever seen this document
14 before?

15 A Other than my -- my statement, no, I had
16 not.

17 Q Okay. And on the second page there, there's
18 a typed version of the handwritten statement
19 that's Exhibit Number Three -- or excuse
20 me -- Number Five; is that right?

21 A That's correct.

22 Q Is there anything in this -- this document
23 that you think is inaccurate?

1 A Other than him telling me to sign the damn
2 card, no.

3 Q Okay. So -- And that was something that you
4 left out of your original statement; is that
5 right?

6 A Yes.

7 Q Okay. Did you ever have any conversations
8 with Rodney Saunders about this
9 investigation at all?

10 A No.

11 Q Have you ever met Rodney Saunders before?

12 A Yes, I've e-tested with him.

13 Q Okay. So, you knew him, at least?

14 A Yes.

15 Q All right. Did you ever have any problems
16 with Rodney Saunders?

17 A Oh, no, never.

18 Q And you don't recall having any
19 conversations with him about the
20 investigation; is that right?

21 A No.

22 Q All right. So, you were taken out of
23 service while you were on vacation. What

1 was the next thing you heard about the
2 investigation?

3 A The next thing was that David Hamby was
4 supposed to come down to Montgomery to see
5 T.J. Dean and myself. It seemed like it was
6 supposed to have been the -- the Thursday
7 prior to the Monday we was actually pulled
8 out of -- demoted.

9 Q Okay. So, sometime in the latter part of
10 June. Do you remember how many weeks later
11 that was?

12 A Probably -- Probably about the fifteenth,
13 roughly.

14 Q Okay. And how did you understand that
15 Mr. Hamby was going to be coming to town?

16 A It was just to -- to see T.J. Dean and
17 myself.

18 Q How did you learn that? Did he call you, or
19 did someone else tell you that, or...

20 A I can't recall, but it was probably
21 Mr. Tipton that informed us of this.

22 Q Okay. Was Mr. Dean present when you were --
23 were you at home at this point when you were

1 out of service?

2 A Yes.

3 Q All right. You worked -- You didn't work
4 again after you were taken out of service?

5 A That's correct.

6 Q All right. And were you being paid while
7 you were out of service?

8 A That's correct.

9 Q Okay. Did you talk to Mr. Dean at all while
10 you were out of service about the
11 investigation?

12 A To be honest, I can't recall talking to him
13 about it.

14 Q Okay. So, you think Mr. Tipton, but you're
15 not sure that Mr. Tipton called you and told
16 you that David Hamby was going to come and
17 meet with you?

18 A That's correct.

19 Q All right. Who is David Hamby at that point
20 in time?

21 A He's the -- I -- I'm trying -- I think he's
22 a superintendent of the Atlanta division.

23 Q At that point in time, was he the

1 superintendent of the Atlanta division, or
2 was he the assistant superintendent of the
3 Atlanta division?

4 A You know, I can't recall. It was one or the
5 other.

6 Q Okay. Did you know Mr. Hamby?

7 A Oh, yeah, personally.

8 Q All right. Had you -- Did you work with him
9 before as well?

10 A Actually, he began in Montgomery. That's
11 where he first hired out.

12 Q Did you have any problems with Mr. Hamby?

13 A Oh, never.

14 Q Okay. And -- when -- When did Mr. Hamby
15 work in Montgomery? More than five years
16 ago? Less than five years ago? I mean, are
17 we talking about more recently?

18 A The date of my demotion?

19 Q Yes.

20 A From -- Okay.

21 Q '80s, '90s?

22 A Well, I know he was working as an engineer
23 when I first became a yardmaster up there.

1 So, it was the early '90s.

2 Q Okay. So, when you were a yardmaster, you
3 dealt with him as an engineer; is that
4 right?

5 A That's correct.

6 Q All right. And then in his position as a
7 assistant superintendent of the division,
8 did you have any dealings with him?

9 A Other than maybe talking to him on a
10 conference call, no.

11 Q Okay. At that point in time, Rod Workman
12 was a superintendent of the division; is
13 that right?

14 A He was the division manager.

15 Q Division manager. Okay. And Mr. Hamby
16 reported to him; is that right?

17 A That's correct.

18 Q Did you know Mr. Workman personally?

19 A Define personally.

20 Q Had you ever worked with him directly?

21 A Yes. He was the -- He had been on the
22 Atlanta division once before, then the OEI
23 bumped him back towards Jacksonville.

1 Q Okay. When he had been in the Atlanta
2 division before, what was his position to
3 your recollection?

4 A I can't recall his title at that time.

5 Q Okay. Did you-all work directly together,
6 or did you just kind of know who he was?

7 A Well, he was on the conference call a lot.
8 So, basically, you -- you heard his voice
9 daily.

10 Q Okay. Did you have any in-person
11 interaction with him?

12 A Are you talking about friendly or company?

13 Q Either way.

14 A Business, other than what was expected of
15 the work terminal and our numbers and all.
16 Basically, that was about it.

17 Q Did you have any personal interaction with
18 him?

19 A No.

20 Q Okay. Did you have personal interaction
21 with David Hamby?

22 A Other than "hi" and "it's good to see you,
23 how are you doing," no.

1 Q You don't ever, like, go to lunch together
2 when you were in --

3 A No.

4 Q -- or anything like that?

5 A No.

6 Q Before this -- this incident, you had met
7 Mr. Workman in person; is that right?

8 A Several occasions.

9 Q More than five? Less than five?

10 A Or anytime, basically, when you went to
11 Atlanta for training, you would run into
12 him. So, five or more.

13 Q Okay. Did he know you on a first name --
14 Would he know you if he saw you in the
15 hallway, for example?

16 A Yes, he would.

17 Q Okay. He would know your name and who you
18 were and where you worked?

19 A Basically, that's correct.

20 Q Okay. Now, did Mr. Hamby come and meet with
21 you, or did someone else come and meet with
22 you?

23 A It seemed like there was an incident that

1 arose that Mr. Hamby had to take care of.

2 Q Okay.

3 A So, that was postponed until the -- I
4 believe the nineteenth was the following
5 Monday.

6 Q Okay. And who did you meet with at that
7 time?

8 A Mr. Rod Workman and Jack Frost.

9 Q Okay. And had you ever -- Who is Jack
10 Frost?

11 A He's the human resource or laborer relations
12 for the Atlanta division.

13 Q All right. Had you had any dealings with
14 Mr. Frost before?

15 A I had been to a class with him, but other --
16 a couple of classes with him, but other than
17 that, no.

18 Q All right. Would he even know your name, do
19 you think, necessarily?

20 A I would hope so, yes.

21 Q All right. If you ran into him on the
22 street, would he recognize you? Had you had
23 that much interaction with him?

1 A It's like I said, I only met him a couple of
2 times in classes.

3 Q Okay.

4 A So, I'm not sure he would recognize me or
5 not.

6 Q Okay. Did you have any problems with
7 Mr. Frost?

8 A No.

9 Q Had you -- Other than a -- Had you ever had
10 any one-on-one interaction with Mr. Frost
11 before?

12 A We had a leadership training in Atlanta for
13 a week, and there's a little bit.

14 Q Okay. Had you had any one-on-one
15 interaction with Mr. Workman before this?

16 A Other than work-related?

17 Q Well, even work-related, did you have, like,
18 an occasion to have to call him directly on
19 the phone or speak to him directly?

20 A Oh, yes.

21 Q Okay.

22 A And he even -- we was at out-of-the-park
23 meeting in Atlanta, and he pulled me and

1 Jason into his office to discuss crew
2 overtime.

3 Q Okay. So, you had had direct business-
4 related interaction with him?

5 A Yes.

6 Q Okay. Did you have any problems with
7 Mr. Workman before this time?

8 A What do you mean by "problem"?

9 Q Did you have any reason to think he didn't
10 like you?

11 MR. ATCHISON: What was the time frame
12 you're talking about? June the
13 19th?

14 MR. BARKER: June of 2006, yeah.

15 A Well, he -- he was a hard one to -- I mean,
16 it was strictly business. It wasn't -- it
17 wasn't nothing personal there.

18 Q Okay. So, you met with Mr. Workman and
19 Mr. Frost. Was Mr. Dean present at the time
20 too or anyone else?

21 A Mr. Dean was.

22 Q Was it just the two of you-all and the two
23 of them?

1 A In the conference room, yes, but Rodney
2 Saunders and Mr. Tipton was standing by
3 probably in Mr. Tipton's office.

4 Q Okay. So, they were present on that day
5 too, but they weren't in this meeting with
6 you?

7 A That's correct.

8 Q And -- and what do you recall about the
9 meeting?

10 A That Mr. Workman and Mr. Frost told us to
11 come back in the conference room. And that,
12 basically, before we sit down in our seats,
13 he said our services was no longer needed to
14 be managers -- CSX no longer needed our
15 services as managers.

16 Q Mr. Workman said that?

17 A That's correct.

18 Q And what else was said?

19 A He -- he claimed due to us falsifying -- or
20 forging is what he said -- an FRA document.

21 Q Okay. And do you remember anything else he
22 said at that point?

23 A That we could -- Mr. Frost handed us letters

1 with our -- who would contact in
2 Jacksonville to roll back to positions that
3 we could protect.

4 Q Okay. So, did Mr. Frost tell you how you
5 would go about doing that, or he just handed
6 you a piece of paper?

7 A Verbally, he handed us a letter. And then,
8 basically, he just -- I believe he read over
9 the letter.

10 Q He said that you had the right to go back to
11 a contract position?

12 A That's correct.

13 Q In your case, that would be a yardmaster
14 position or a clerical position?

15 A That's correct.

16 Q And you chose to exercise your seniority to
17 go back to a yardmaster position; is that
18 right?

19 A That's correct.

20 Q And to your knowledge, Mr. Dean exercised
21 his seniority and went back to an engineer's
22 position; is that right?

23 A That's correct.

1 Q Where was the engineering position that he
2 went to?

3 A I think it was on the M and M. He -- he'd
4 been on several -- I mean, Coast Line, AWP.
5 I'm pretty sure he was on the M and M at
6 that time.

7 Q Did you consider exercising your clerical
8 seniority in trying to find a clerical
9 position in Jacksonville or elsewhere or was
10 it --

11 A Well, I could not roll to Jacksonville. All
12 I could protect was in the Montgomery
13 terminal.

14 Q Okay. Because of the contract provisions?

15 A Well, you're moving from different railroad
16 properties.

17 Q Okay. And so, the seniority rights you had
18 were specific to the Montgomery terminal; is
19 that right?

20 A On the L and N, yes.

21 Q And on the L and N Railroad?

22 A That's correct.

23 Q And so the only position, really, there was

1 the yardmaster positions. There were no
2 longer clerical positions?

3 A Well, I could have rolled back to a clerical
4 position. It paid less. So, I rolled back
5 to the yardmaster's position.

6 Q So, you rolled back to a yardmaster's
7 position. Do you recall anything else about
8 what was said in the meeting with
9 Mr. Workman and Mr. Frost?

10 A Well, no. During halfway between the
11 conversation, I handed him the EEOC charge.

12 Q When you say "him," who did you hand it to?

13 A I handed it to Mr. Workman.

14 Q All right. And what did he say?

15 A I think he was a little shocked for a bit.
16 Then he -- I said I believe you need to read
17 this. So, he read it, him and Jack Frost
18 both read it.

19 Q And then what did they say?

20 A He was a little hesitant. He made -- I
21 think he made the remark about
22 discrimination.

23 Q What was the remark that he made?

1 A He -- I don't think he believed that I filed
2 an EEOC charge against discrimination.

3 Q That he didn't -- He was surprised that you
4 had filed an EEOC charge alleging
5 discrimination?

6 A That's correct.

7 Q All right. Did he say anything else?

8 A After that he said, if I needed any help,
9 that CSX had a psychologist that I could
10 talk to.

11 Q All right. Was that all?

12 A And that, if we had any CSX properties in
13 our possession, we needed to turn them in.

14 Q Was there anything else that was said in
15 this meeting? Did he say anything else
16 about your EEOC charge other than that he
17 was surprised?

18 A Could he keep it.

19 Q Okay. And did you -- What did you say to
20 him?

21 A I said, yes.

22 Q Okay. So, you gave it to him, and he kept
23 it.

1 A That's correct.

2 Q All right. At that point, do you know if
3 you had filed your EEOC charge with EEOC?

4 A I think it had been written up, and it was
5 filed the next day.

6 Q Okay. So, at that point when you gave it to
7 him, it hadn't actually been filed yet, but
8 it was filed the next day?

9 A That's correct.

10 Q All right. Did Mr. Frost say anything about
11 your EEOC charge?

12 A No, he did not.

13 Q Okay. And do you recall anything else about
14 the conversation that you had with the two
15 of them that day?

16 A I remember we -- we -- we stood up to leave,
17 then T.J. left the room, and he told me to
18 come back and have a seat.

19 Q Who?

20 A Mr. Workman.

21 Q Okay.

22 A So, I sat down. And that's when he asked me
23 if I needed any assistance, that CSX had the

1 assistance through a psychologist you could
2 talk to. And I told him I did not need any
3 assistance from CSX. I would seek help
4 outside.

5 Q Okay. And that was the -- And did you have
6 any other thing that was said between the
7 two of you at that point?

8 A Other than that -- that I think I told him
9 I'd always been punctual, on time, and even
10 early to work.

11 Q Uh-huh (positive response). And did he have
12 any response to that?

13 A No, he didn't.

14 Q All right. And was that the extent of the
15 meeting right there?

16 A Basically, yes.

17 Q You don't remember anything else that was
18 said in the meeting by either he or Mr.
19 Workman at any point?

20 A No, I do not.

21 Q And then the discussion about the
22 psychologist was just you and Mr. Workman,
23 the only people present at that point?

1 A Well, Jack Frost was there.

2 Q Okay. Mr. Frost. Mr. Dean was no longer
3 present at that time?

4 A I'm not sure if he was there or not. I
5 mean, I wasn't really focused on T.J. Dean
6 at that minute.

7 Q Did Mr. Dean say anything during the
8 meeting?

9 A I think he asked Mr. Workman and Jack Frost
10 if we would be eligible to apply for future
11 positions.

12 Q And what did they say?

13 A They said, yes, if your work ethics was as
14 good as it was before.

15 Q Okay. And did you ask anything about that
16 issue?

17 A No, I did not.

18 Q All right. And do you recall Mr. Dean
19 saying anything else in the meeting?

20 A No, I do not.

21 MR. BARKER: All right. Let's change
22 the tapes real quick. I've got,
23 maybe, about five more minutes,

1 and then we can have lunch.

2 (At which time, a recess was
3 taken.)

4 BY MR. BARKER:

5 Q Mr. Hollon, did Mr. Workman say anything to
6 you about how the decision was made to
7 demote you or who was involved?

8 A Other than him saying that we had forged an
9 FRA document, no.

10 Q Okay. Do you have any idea how old
11 Mr. Workman is?

12 A From -- from --

13 Q Just from looking at him.

14 A I would assume mid-fifties.

15 Q All right. So, he's older than you are; is
16 that right?

17 A I would say so.

18 Q Okay. How about Mr. Frost?

19 A I'll probably say late fifties.

20 Q Okay. How about Mr. Hamby?

21 A He's closer to my age. Probably late
22 forties to early fifties.

23 Q All right. And what about Mr. Saunders?

1 A Mid-fifties, roughly.

2 Q Okay. So, except for, perhaps, Mr. Hamby,
3 all the rest of those gentlemen are older
4 than you are; is that right?

5 A Yes.

6 Q Okay. And Mr. Tipton is younger than you
7 are; is that right?

8 A That's correct.

9 Q Do you know how old Mr. Tipton is
10 approximately?

11 A Approximately about 35.

12 Q Okay.

13 MR. BARKER: Why don't we go ahead and
14 break for lunch now.

15 (At which time, a recess was
16 taken.)

17 BY MR. BARKER:

18 Q Mr. Hollon, we just returned from lunch
19 here. I'm going to show you this document
20 I've marked as Exhibit Number Seven.

21 (At which time, the referred-
22 to document was marked as
23 Defendant's Exhibit No. 7 by

1 the Reporter.)

2 Q Do you recognize this document, Mr. Hollon?

3 A Yes.

4 Q Who is -- And we talked about earlier that
5 Dale Barnett is the safety coordinator and
6 the union rep for your UTU; is that right?

7 A Yes. That's correct.

8 Q Who is Jimmy Weekley?

9 A He's the -- He's on the safety committee.
10 He's a switchman in the Montgomery terminal.

11 Q All right. And this is a series of e-mails
12 that your attorney provided during this
13 litigation. How did you come into
14 possession of these e-mails?

15 A I obtained mine from Mr. Weekley. He gave
16 it to me.

17 Q How did that come about? Did you -- where
18 you talked to Mr. Weekley, or did he just
19 volunteer and give -- voluntarily give this
20 to you out of the blue?

21 A I'm trying to recall. I think he told me he
22 had a document, and I asked him if I could
23 get a copy of it.

1 Q And this is from his personal e-mail it
2 looks like; is that right?

3 A That's correct, yeah.

4 Q Now, in this e-mail, Mr. Barnett tells
5 Mr. Weekley and John -- first, I guess it's
6 a series of e-mails, it looks like. The
7 first is from Dale Barnett to Mike
8 Pendergrass and Rod Workman. Who is Mike
9 Pendergrass?

10 A I think he's the vice-president of the
11 Atlanta division.

12 Q Do -- do you know if his -- his
13 responsibility extends beyond the Atlanta
14 division or if it's just the Atlanta
15 division?

16 A I think it's the southern region.

17 Q Okay. So, he's like the southern region
18 vice-president?

19 A That's right.

20 Q Have you ever met Mr. Pendergrass before?

21 A Probably a couple of times.

22 Q All right. Do you have any -- beyond the --
23 Let's see. When was the last time you met

1 Mr. Pendergrass, to your recollection?

2 A We was at an officers' meeting at the
3 Capital Hill Country -- golf course.

4 Q Okay. And where was this?

5 A It's in Prattville.

6 Q Okay. So, the one in Prattville here in
7 Alabama?

8 A Yes.

9 Q Did you have any one-on-one interaction with
10 Mr. Pendergrass on that occasion?

11 A Basically, I -- I mean, I sit by him when we
12 eat supper. He asked the managers at the
13 table how we had turned Montgomery around.

14 Q Uh-huh (positive response). So, it was him
15 and, like, the Montgomery managing --
16 management team?

17 A That's correct.

18 Q Okay. So, there was, like, ten of -- less
19 than ten of you-all there, I guess?

20 A Less than ten.

21 Q Okay. Was that the only time you sort of
22 had one-on-one interaction with
23 Mr. Pendergrass?

1 A Well, he asked a question, and I just felt
2 like I totally answered it. So, I e-mailed
3 him.

4 Q Uh-huh (positive response). What question
5 was that?

6 A He asked how we turned the numbers and
7 turned Montgomery terminal around.

8 Q Uh-huh (positive response). And who all was
9 present at this meeting?

10 A Terminal manager, Angie Averitte.

11 Q Uh-huh (positive response).

12 A Rod Dunlap -- it's been awhile back. I'm
13 not sure if I can remember everybody that
14 was there.

15 Q Okay.

16 A Let's see. Warren Carr was there. Maybe
17 Wayne Powe and Roger Jackson.

18 Q Who is Mr. Dunlap?

19 A He was a terminal trainmaster who was
20 working in Montgomery at that time.

21 Q Okay. Did -- Did you ever have any problems
22 with Mr. Pendergrass?

23 A No, sir.

1 Q Do you have any idea how old Mr. Pendergrass
2 is?

3 A Without looking?

4 Q Just from guessing, I guess.

5 A Guessing. Okay. I don't know, early
6 fifties.

7 Q Old -- looks like to be older than you are
8 you think?

9 A Oh, yes.

10 Q Okay. So, Mr. Barnett sent this e-mail to
11 Mr. Pendergrass, and it looks like it
12 purports to have been copied to Mr. Workman;
13 is that right?

14 A Yes.

15 Q And then he forwarded this e-mail to John
16 Strength and Jimmy Weekley. Who is John
17 Strength?

18 A He's a switchman. I'm not sure exactly what
19 committee he was on. At one time, he was a
20 remote control trainer; but at that time, I
21 don't think he was a remote control trainer.

22 Q Okay. Did -- And you never had any
23 conversations with Mr. Barnett about this

1 issue at all?

2 A What, this?

3 Q The -- Your demotion and the issues that
4 surrounded that.

5 A No, basically, I mean, from that date, no,
6 uh-uh (negative response).

7 Q At any point in time, did you have
8 conversations with Mr. Barnett about it?

9 A No, I have not.

10 Q Okay.

11 A Other than that day.

12 Q Other than the day he came in?

13 A That's correct.

14 Q Okay. Now, he says in here that Mr. Dean
15 contacted someone in Jacksonville regarding
16 this issue. Do you know anything about
17 that?

18 A Just -- just from hearsay is all.

19 Q All right. What have you heard?

20 A That he contacted -- Basically, what it says
21 here that, basically, he was probably going
22 to be held on a local division coaching
23 level. But then Mr. Dean contacted

1 Jacksonville. Jacksonville got involved.

2 Q Do you have any idea who Mr. Dean contacted?

3 A No, I do not.

4 Q Have you ever asked Mr. Dean about that?

5 A No, I have not.

6 Q Has anyone -- Other than what you've seen in
7 this e-mail, has anybody else ever told you
8 anything about how that process took place,
9 or have you ever heard anything about how --
10 what happened when Mr. Dean contacted
11 Jacksonville or who heard -- at Jacksonville
12 or who he contacted?

13 A No, sir.

14 Q Okay. I mean, when -- when it refers to a
15 divisional level, what is that referring to?

16 A Well, the railroad is broke down in certain
17 divisions like the Huntington, the Atlanta,
18 the Florence, the Jacksonville; different
19 regions, the Southern the Northern.

20 Q And if someone was going to be handling the
21 divisional level, would that mean Mr.

22 Workman would handle it or Mr. Hamby or --

23 A Or Mr. Workman, Hamby or Mr. Saunders.

1 Q Okay. That's your understanding of who the
2 divisional level would refer to?

3 A Yes.

4 Q Okay. And you don't know who would have
5 been involved beyond the divisional level?

6 A Probably Mr. Pendergrass.

7 Q Okay. I show you this document that I'm
8 going to mark as Exhibit Number Eight.

9 (At which time, the referred-
10 to document was marked as
11 Defendant's Exhibit No. 8 by
12 the Reporter.)

13 Q Do you recognize this document?

14 A Yes.

15 Q All right. And what is that?

16 A It's just a e-mail reply from the FRA,
17 Mr. Patrick Plumb.

18 Q All right. Did you ever speak with
19 Mr. Plumb?

20 A No, I did not.

21 Q Did you ever actually have an interview with
22 the FRA investigator?

23 A To be honest, I cannot recollect meeting

1 with her after that.

2 Q Okay. Did you recall ever meeting with her
3 about this issue that led to your demotion?

4 A This issue, no, sir.

5 Q Had you met with her about other issues
6 before?

7 A Yes.

8 Q Okay. How did you obtain a copy of this
9 e-mail?

10 A Let -- let's back up to this -- this other
11 question you asked --

12 Q Okay.

13 A -- have I ever met with her. And I would
14 say, yes, because she come to my house --

15 Q Okay.

16 A -- with a statement.

17 Q She came to your house and took a statement
18 from you?

19 A That's correct.

20 Q All right. Do you remember when that was?
21 Was it after you were -- It was after you
22 were removed from service?

23 A It was after I come back from vacation, yes,

1 and before I was actually demoted.

2 Q Okay.

3 A But as to the exact date, I couldn't tell
4 you.

5 Q All right. But she came to your house and
6 talked to you. Did you give her any written
7 statement, or did she just take an oral
8 statement from you?

9 A Well, I -- I can't recall, but I'm pretty
10 sure she had a copy of the written
11 statement. It seems like she did -- it was
12 oral, and she took notes.

13 Q Okay. So, she talked to you, and she took
14 notes. Do you think -- do you think that
15 she had a copy of your -- your written
16 statement that you had provided to
17 Mr. Tipton?

18 A I didn't actually see it, but I would say
19 she did.

20 Q All right. Your -- It was your belief that
21 she did?

22 A It's my belief.

23 Q Okay. But you never saw anything?

1 A No.

2 Q Was she the only person you spoke to at the
3 FRA about this issue?

4 A With the FRA, yes, she's the only one I ever
5 spoke to.

6 Q You never spoke to Mr. Plumb, did you?

7 A No, I did not.

8 Q All right. Did Mr. Plumb ever send -- Did
9 you receive a -- a direct copy of any
10 correspondence from Mr. Plumb about the
11 complaint or the issue?

12 A Well, I talked to Ms. Owens about getting a
13 copy of it, and she told me she would either
14 talk to Mr. A.B. Montgomery or see if there
15 was an issue with me getting a copy of it.

16 Q Okay. And who is A.B. Montgomery?

17 A Actually, he used to be the terminal manager
18 of Montgomery. He works for the FRA up in
19 Atlanta now.

20 Q Okay. And Mr. Montgomery was a -- When you
21 were working as a trainmaster in Montgomery,
22 he had been the terminal manager; is that
23 right?

1 A That's correct, yes.

2 Q And he left CSX and went to work for the FRA
3 now?

4 A That's correct.

5 Q And did -- Did Ms. Owens report to him?

6 A I'm not sure she reported to him or Mr.
7 Plumb. I'm not sure who she reported to
8 exactly.

9 Q But she was going to contact Mr. Montgomery
10 and determine whether she could give you a
11 copy --

12 A That's correct.

13 Q -- of the investigation?

14 A That's correct.

15 Q Okay. Did you ever get anything from her?

16 A No, I did not.

17 Q Did you ever contact her again to find out
18 what was going on with that?

19 A I did, but she had stated she would -- had
20 been out of town, and she would talk to
21 Mr. Montgomery.

22 Q Okay. And did you ever get anything?

23 A No, I did not.

1 Q Did you call her again?

2 A I can't recall.

3 Q And do you recall how you got this e-mail
4 from Mr. Weekley?

5 A He said he had a copy of it, and I just
6 wanted -- he said he had an e-mail, and I
7 requested a copy from him.

8 Q Okay. Let me show you this document I'm
9 going to mark as Exhibit Number Nine.

10 (At which time, the referred-
11 to document was marked as
12 Defendant's Exhibit No. 9 by
13 the Reporter.)

14 Q Do you recognize this document?

15 A Yes, I do.

16 Q Who is Michael Ward?

17 A He's the CEO.

18 Q Right. And is this an e-mail that you sent
19 to Mr. Ward?

20 A That is correct.

21 Q Did you receive a response to this e-mail?

22 A No, I did not directly.

23 Q Okay. When you say you don't directly, did

1 you receive an indirect response to this
2 e-mail or other form of response?

3 A Other -- from the information that I looked
4 over yesterday, no, I had not.

5 | Q Had you ever met Mr. Ward before?

6 | A No, I have not.

7 Q And is this e-mail the only communication
8 you've ever had with Mr. Ward?

9 | A Yes.

10	Q	Okay.
----	---	-------

11 A Well, I -- I probably re-sent this e-mail
12 probably a couple of times to him.

13 Q Okay. But -- and you never received a
14 response from him to any of those e-mails?

15 A Not response from him. I received a
16 response from the EEOC from CSX stating they
17 would not further investigate it since I had
18 filed -- filed with the State of Alabama
19 EEOC.

20 Q Is that -- let me show you this document I'm
21 marking as Exhibit Number 10. Is that what
22 you're referring to as a response from CSX?

23 (At which time, the referred-

1 to document was marked
2 Plaintiff's Exhibit No. 10 by
3 the Reporter.)

4 A Yes, that's correct.

5 Q I show you this document I'm going to mark
6 as Exhibit Number 11.

7 (At which time, the referred-
8 to document was marked as
9 Plaintiff's Exhibit No. 11 by
10 the Reporter.)

11 Q Do you recognize this document -- series of
12 documents?

13 A Yes, I do.

14 Q And this is copies of e-mail you sent to
15 Mr. Ward that were sent to other people; is
16 that right?

17 A That's correct.

18 Q Who is Ken Dziwulski?

19 A He's the director of train operations in
20 Jacksonville, Florida.

21 Q All right. What is a director of train
22 operations?

23 A For the Atlanta division.

1 Q Okay.

2 A Basically, he coordinates everything between
3 all the other terminals.

4 Q Mr. Tipton was the terminal manager in
5 Montgomery at this point in time; is that
6 right?

7 A That's correct.

8 Q Who would he report to?

9 A Probably David Hamby.

10 Q Okay. And then through Mr. Hamby to
11 Mr. Workman?

12 A That's correct.

13 Q Did Mr. Saunders report to Mr. Workman as
14 well, or did he have a different chain of
15 command?

16 A He also reported to Hamby also.

17 Q Okay. Did you receive a response from Mr.
18 Dziwulski to this e-mail?

19 A I didn't receive it, no, I did not.

20 Q And then you -- you forwarded it to David
21 Hamby as well; is that right?

22 A That's correct.

23 Q Did you receive a response from Mr. Hamby?

1 A No, I did not.

2 Q All right. You forwarded this e-mail as

3 well to Tony Ingram; is that right?

4 A That's correct.

5 Q Who is Mr. Ingram?

6 A I would say he's the president of CSX.

7 Q Had you ever interacted with Mr. Ingram

8 before?

9 A He's come through Montgomery on some -- what

10 they call president tours.

11 Q Uh-huh (positive response).

12 A I probably met him a couple of times.

13 Q All right. Do you know if he is older than

14 you are or younger than you are?

15 A Now, that's a hard one to -- maybe a little

16 older.

17 Q Okay. But you're not sure how old he is?

18 A I'm not for sure about him.

19 Q Okay. He's certainly not younger than you

20 are, though; is that right?

21 A I don't think so.

22 Q Okay. He doesn't appear to be younger to

23 you?

1 A No, sir.

2 Q Okay. But you don't know his exact age?

3 A No, sir, I do not.

4 Q Did you ever have any direct interactions
5 with Mr. Ingram?

6 A Other than shaking his hand and saying --
7 asking how he was, no, I did not.

8 Q Okay. And then the last thing is what is
9 another copy you sent to Mr. Ward; is that
10 right?

11 A That's correct.

12 Q Did you receive a response from Mr. Ingram
13 to your e-mail?

14 A No, I did not.

15 Q How about from -- from Mr. Ward the second
16 time was when you received the response from
17 Mrs. Wittington?

18 A That's correct. Just this.

19 Q Do you recall sending any other e-mails or
20 forwarding this e-mail to any other people
21 at CSX?

22 A This e-mail or any other e-mails?

23 Q This e-mail or any other e-mail on this

1 subject.

2 A Wrongful termination? I -- I did send a
3 couple of e-mails to Mr. Workman and Bob
4 Frulla, but it wasn't on this subject.

5 Q What was that about?

6 A It was about -- Actually, it was on the same
7 day that the remote card issue was signed.

8 Q Uh-huh (positive response).

9 A I had sent one to Mr. Workman asking what I
10 needed to do, what I could do to be promoted
11 on this division.

12 Q Uh-huh (positive response).

13 A What steps or what did I need to do to be
14 promoted on this division.

15 Q And did you have a response from that
16 e-mail?

17 A Never did get one.

18 Q Okay. Who is Mr. Frulla?

19 A He's the division manager for the
20 Jacksonville division.

21 Q Had you ever interacted with him at all
22 before?

23 A Oh, yes.

1 Q Did you know him?

2 A Yes.

3 Q Okay. And did you have a response from him?

4 A The e-mail to him was -- I had applied for
5 the line of road trainmaster on the
6 Pensacola -- at Pensacola, Florida. And in
7 the computer, it showed me staged for the
8 interview stage.

9 Q Uh-huh (positive response).

10 A But I was never contacted via cell phone,
11 company e-mail, or even at work or by my
12 home phone to set up an interview.

13 Q Uh-huh (positive response).

14 A So, just talking to Mr. Hoseworth
15 (phonetic), who already applied for the
16 position, that he had already been
17 interviewed. And I was trying to find out
18 why I was not interviewed for this position,
19 but yet the computer showed me staged to be
20 interviewed.

21 Q Uh-huh (positive response).

22 A So, I sent him an e-mail asking why I was
23 not interviewed for this position and why

1 the computer was showing me in the interview
2 staged, but I never received an interview.

3 Q Okay. And did you get a response from Mr.
4 Frulla?

5 A No, I did not.

6 Q Okay. Who is -- the -- Is Mr. Frulla older
7 or younger than you are, in your opinion?

8 A Probably younger.

9 Q Okay. Not by much, I take it, from your
10 reaction, there?

11 A I would say he's in his thirties.

12 Q Oh, you think he's in his thirties?

13 A Yes.

14 Q Now, you understand that in your lawsuit
15 here you were claiming that you were
16 discriminated against on the basis of your
17 age; is that right?

18 A Yes, sir, age and retaliation. That's
19 correct.

20 Q All right. How do you believe that you were
21 discriminated against on the basis of your
22 age?

23 A Okay. Between the period of late January to

1 April, May, I -- I applied for four
2 positions.

3 Q Of 2006, that's the year you're referring
4 to?

5 A That's correct. 2006.

6 Q All right.

7 A The first one being assistant manager/
8 customer service, Jacksonville, Florida,
9 which I never obtained an interview for, but
10 I felt like that I was qualified to -- to
11 hold this position.

12 Q Uh-huh (positive response).

13 A The second one being the terminal manager,
14 Montgomery, Alabama. I have a railroad
15 history of 25 years transportation, working
16 transportation knowledge, plus I do have
17 some college background.

18 Q Uh-huh (positive response).

19 A And during the first part of April, we were
20 in a meeting, an out-of-the-park meeting.

21 Q Uh-huh (positive response).

22 A We was in competition with Large Flat Yards,
23 Switching Yards, and we had won this

1 competition for the first quarter 2006.

2 Q Oh, this is a -- When you say "competition,"
3 what do you mean by that?

4 A Where you had different terminals competing
5 ride car ride train, on-time originations,
6 cars processed in your terminal.

7 Q So, it was a competition comparing various
8 statistical measurements of performance of
9 the yard?

10 A Different yards, that's correct.

11 Q Okay.

12 A And you had different classes: Small,
13 medium, large. And you had your hump --
14 hump terminals. And we had won this
15 competition, so we were -- each manager was
16 supposed to obtain a five thousand (\$5,000)
17 dollar bonus because we won this
18 competition.

19 Q Uh-huh (positive response).

20 A So, it -- it kept coming down we never did
21 receive our bonus. So, Mr. Workman came to
22 Montgomery to explain why we didn't receive
23 our bonus, that they had did away with this

1 practice because somewhere up north where
2 they had won the competition, it seemed like
3 everybody come out of the woodwork getting
4 the bonus --

5 Q Uh-huh (positive response).

6 A -- that wasn't entitled to it.

7 So, during this meeting, we had
8 a -- we had a management trainee, Jeremiah
9 Grant, in the meeting. You had Chandler
10 Plots, who is also a manager trainee. You
11 had Josh Connell.

12 Q Who -- Who was the first person, Jermond --

13 A Jeremiah Grant.

14 Q Jeremiah --

15 A Grant.

16 Q -- Grant. Who was the other management
17 trainee?

18 A Chandler Plots -- or Plot.

19 Q Okay. And who else was present?

20 A I know Warren Carr was present. T.J. Dean
21 was present. Rod Workman was present.
22 Angie Averitte was present. I'm not sure if
23 Roger Jackson and Josh Connell was in that

1 meeting or not, to be honest.

2 Q Roger Jackson and -- and Josh Connell?

3 A That's correct.

4 Q Okay.

5 A So, he explained why we did not receive our
6 bonus, and that we'd probably getting -- we
7 had a choice of either leather baseball
8 jacket or going to Capital Hill or somewhere
9 playing a round of golf.

10 Q Uh-huh (positive response).

11 A So, during the meeting, he directly looks at
12 the management trainees and said, "You-all
13 have a bright future with this company." I
14 say within five -- after addressing them, he
15 turned to me and asked how old I was. I was
16 the only person in the room he asked my age.

17 Q Uh-huh (positive response).

18 A So, my reply was that I was a little older
19 than the terminal manager. And I think he
20 made the statement that I looked good for my
21 age or something to that effect. I mean,
22 I'm a little sensitive to my age because
23 I -- I mean, I still use that For Men Only

1 in my beard and my hair. So, I do have gray
2 hair.

3 Q Do you have any idea how old Mr. Grant or
4 Mr. Plots are?

5 A Mr. Plots was probably in his mid-thirties.

6 Q Uh-huh (positive response).

7 A Mr. Grant was in his mid to late twenties.

8 Q Were they working in Montgomery at that
9 time?

10 A Actually, Jeremiah was training in
11 Montgomery.

12 Q Uh-huh (positive response).

13 A And also, Mr. Plots was training also.

14 Q Okay. But they were -- They were training
15 in Montgomery?

16 A That's correct.

17 Q They didn't just come with Mr. Workman for
18 the day or something like that?

19 A Uh-uh (negative response), no.

20 Q What -- what -- What sort of jobs do the
21 management trainees do when they were
22 training?

23 A Well, they would go to different terminals

1 like Atlanta, Birmingham, Mobile, New
2 Orleans. And line of road outlets like
3 Calera.

4 Q Uh-huh (positive response).

5 A And just work with those managers for a
6 period of time.

7 Q How long were those individuals -- these two
8 individuals in Montgomery?

9 A We were actually -- before or after I was
10 demoted or what?

11 Q Period. But did they come and go? I mean,
12 I guess, were they there more than once?

13 A Well, Jeremiah had been there once before.
14 Then he -- It seemed like he trained at
15 Calera for a period then came back to
16 Montgomery.

17 Q Uh-huh (positive response). And what about
18 Mr. Plots?

19 A I want to say the same situation with him.

20 Q Okay. And so, you said Mr. Workman, during
21 this meeting, was discussing the bonus plan.
22 What else was it discussing besides the
23 bonus plan?

1 A Just what our options were for not receiving
2 the bonus.

3 Q Okay. There weren't any other topics that
4 came up in the meeting besides the bonus
5 issue and how that was going to be handled?

6 A Other than addressing the younger managers
7 and addressing how old I was, no.

8 Q All right. So, you said he turned to these
9 two and said something, and he was looking
10 in their direction at the time. So, you
11 understood it to be directed at them?

12 A That's correct.

13 Q That -- Where he said you have a bright
14 future with the company?

15 A That's correct.

16 Q All right. And --

17 A Warren Carr was there. He also asked how
18 much longer Warren had because Warren was
19 planning on retiring in -- I think he was
20 shooting for October.

21 Q And so, he asked -- and that was two or
22 three months down the road, I take it, at
23 that point or six months? When was this

1 meeting exactly?

2 A It was in April.

3 Q Okay. So -- So, this was in April, and you
4 understood that Mr. Carr was expected to
5 retire in October of that year?

6 A Yeah. Within six months, yeah.

7 Q All right. Do you have any idea how old
8 Mr. Carr is or was at that time?

9 A I would probably say 58 because he -- he had
10 to obtain a certain age. His wife was older
11 than him, so probably about 58.

12 Q Okay. Late fifties at least?

13 A Yeah.

14 Q And did he retire in October of that year?

15 A Actually, when I was demoted, he went ahead
16 and retired early in August.

17 Q Okay.

18 A I think the first -- first day of August.

19 Q Okay.

20 A So did Roger Jackson.

21 Q Was Roger Jackson scheduled to retire that
22 year as well?

23 A I think so, yes.

1 Q Are you suggesting that Mr. Carr's
2 retirement date was tied to your demotion?

3 A He'll tell you that.

4 Q All right. So, he decided to go ahead and
5 leave because you were demoted?

6 A That's correct.

7 Q Was it because of he didn't agree with your
8 demotion, or because he didn't want to train
9 another trainmaster or deal with the
10 situation with less than this -- prior to
11 the number of trainmasters?

12 A He didn't agree with my demotion, and he
13 also was a little nervous about retaliation
14 against him.

15 Q Why would there be retaliation against
16 Mr. Carr?

17 A Because he was an older manager at the time.

18 Q And he was already scheduled to retire a
19 month later?

20 A Well, October. His plan was October.

21 Q But what would the point be of retaliating
22 against Mr. Carr a month before he was going
23 to retire?

1 A It was just -- That's just the way he felt.
2 You'd have to ask him.

3 Q Okay. He never told you what that was
4 about?

5 A Well, it had something to do with my
6 demotion and the whole atmosphere around
7 everything that was going on.

8 Q And when you said the whole atmosphere, what
9 are you referring to?

10 A We had a -- the guy that did the MOPS in
11 Atlanta before Angie took it over -- Ed
12 McClellan (phonetic) -- was terminated, as
13 you might say.

14 Q And why was he --

15 A Allen Snap was demoted. He went back to
16 yardmaster in Tampa, Florida.

17 Q All right. The person who had the MOPS
18 position before Angie -- Ed McClellan, is
19 that who that was?

20 A Yes.

21 Q Do you know why he was -- Do you know if he
22 was terminated or not or if he --

23 A I know he took an early retirement.

1 Q Okay. And do you know why he took an early
2 retirement?

3 A I wouldn't say because he was forced to take
4 early retirement, or he was terminated to go
5 back to his craft.

6 Q And --

7 A He was fired as a manager, in other words.

8 Q All right. And do you know if he was fired
9 as a manager because he failed to report a
10 derailment?

11 A From hearsay or try -- from hearsay.

12 Q So, you've heard through hearsay that
13 Mr. McClellan was responsible for a
14 derailment, and he didn't report that; is
15 that correct?

16 A That's correct.

17 Q And under company policy and under FRA
18 rules, one is required to report derailment;
19 isn't that correct?

20 A If it's FRA reportable, yes.

21 Q Is it reaches a certain level of damage.

22 A That's correct. I'm not sure what the
23 damage was, so...

1 Q Okay. Are you aware of any other managers
2 who were responsible for derailments that
3 were FA -- FRA reportable and who did not
4 report them and who were not disciplined?

5 A FRA reportable, no.

6 Q Okay. So, you said that Mr. Workman made
7 this comment about people having a bright
8 future, and he was looking at Mr. Grant and
9 Mr. Plots when he said that?

10 A That's correct.

11 Q And then shortly thereafter, several minutes
12 later, he asked you how old you were?

13 A That's correct.

14 Q Was there -- What was said between the time
15 that he made the comment about people having
16 a bright future and -- Do you remember what
17 the subject -- what -- what was being said
18 between the time that that was said and the
19 time that he asked about your age?

20 A No, I do not.

21 Q All right. At that point in time, was
22 Mr. Jackson already scheduled to retire?

23 A I can't recall because this is supposed to

1 have been a good year for a bonus. So, I'm
2 not sure if they were scheduled or
3 anticipating it, or if they were planning on
4 hanging around to get the bonus which comes
5 out in February.

6 Q Okay. February, like, the following year?

7 A Yes.

8 Q Okay. But it was already known that Mr.
9 Carr was going to retire?

10 A He had mentioned it. He was wishy-washy. I
11 mean, he -- he basically loved the railroad.
12 So, it was hard to say he was going to
13 retire on a set date.

14 Q Okay. Do you know if Mr. Carr or
15 Mr. Jackson had conversations with
16 Mr. Tipton or Mr. Workman regarding
17 retirement already?

18 A No, I do not. Well, let -- let's back up.
19 During that meeting they had out of the
20 park, I think Mr. Workman asked how much
21 longer they had. Then I think Warren and
22 those addressing that he was planning on
23 leaving in October.

1 Q Okay. So, Warren mentioned at that time
2 that he was planning to do that?

3 A Yeah.

4 Q Was Mr. Tipton in this meeting as well?

5 A No. I would say no.

6 Q Was this before Mr. Tipton became the
7 terminal manager in Montgomery?

8 A It was before he personally took controller
9 of it, but I think he had already been
10 awarded it. I think he was awarded terminal
11 manager, like, March the 27th.

12 Q All right. So, you believe that you were
13 discriminated against on the basis of your
14 age because of -- of positions you applied
15 for in the spring of 2006 that you did not
16 receive?

17 A That's correct.

18 Q And because this comment made by Mr.
19 Workman?

20 A That's correct.

21 Q All right. Now, you specifically mentioned
22 the assistant manager/customer service
23 position and the terminal manager in

1 Montgomery position. Are those the only
2 positions you think that --

3 A I applied for the assistant superintendent
4 position that Jason left in Atlanta,
5 Georgia; the Atlanta road trainmaster
6 Pensacola, Florida; then after demotion,
7 there was probably about 15 to 20 that I
8 applied for.

9 Q All right. And do you think that was
10 discriminatory as well?

11 A Yes, I do.

12 Q All right. Let's back up for a second. Do
13 you have any idea who received the assistant
14 manager/customer service position?

15 A Yes, I do.

16 Q Who is that?

17 A Timothy Gray -- Grayson.

18 Q Okay. How do you know Mr. Grayson received
19 that position?

20 A Other than the paperwork I read over
21 yesterday, I did not know.

22 Q Okay. Do you know when Mr. Grayson was
23 hired for that position?

1 A It's probably mid-February, roughly. I
2 can't pinpoint the exact date.

3 Q And that's based on the paperwork that
4 you've reviewed?

5 A Yes, sir.

6 Q All right. Before reviewing this paperwork
7 yesterday, you had no idea who --

8 A No idea.

9 Q -- had received that position?

10 A No idea.

11 Q Do you have any idea what Mr. Grayson's age
12 is?

13 A Probably mid-twenties.

14 Q Was that reflected in the paperwork you
15 reviewed?

16 A That's correct.

17 Q Do you have any idea who made the decision
18 about -- picked Mr. Grayson for that
19 position?

20 A Other than the paperwork I looked at, no,
21 sir.

22 Q All right. Did -- From the paperwork you
23 looked at, did that identify who made the

1 decision?

2 A I think it was Mr. Neal Sharpton, I believe.

3 Q Who is Neal Sharpton?

4 A I'm not for sure, but I've heard the name
5 before.

6 Q No one you've ever met before?

7 A No.

8 Q All right. Do you know if Mr. Sharpton
9 knows what your age is?

10 A You mean, considering all my information is
11 in the computer, yes, he would.

12 Q Well, do you have any idea if Mr. Sharpton
13 looked at that information your -- that had
14 your age on it?

15 A Hopefully if I interview somebody, I would
16 not necessarily look at their age, but I
17 would look at their work history and
18 background.

19 Q So, he would at least know that you had 20
20 plus years with the railroad?

21 A There you go.

22 Q Even if he didn't know your age?

23 A That's correct.

1 Q Okay. Do you have any idea what the salary
2 was for the assistant manager/customer
3 operations position?

4 A Other than the paperwork you gave us
5 yesterday, no, I would not know.

6 Q Do you have -- Do you know from the
7 paperwork you looked at yesterday what the
8 salary was?

9 A Yes.

10 Q All right. And what was that?

11 A Probably the low to mid-fifties.

12 Q All right. And that was less than you were
13 making in your position in Montgomery, isn't
14 it?

15 A But like I stated, I was in the position --
16 I wanted to grow with this company. So, if
17 it means moving to Jacksonville to grow, I
18 would do it.

19 Q So, you would have taken a twenty thousand
20 (\$20,000) dollar pay cut for -- if you felt
21 the job was -- had provided better
22 opportunities down the road?

23 A That's correct.

1 Q Why did you think the assistant manager/
2 customer operations position provided better
3 opportunities?

4 A Actually, I didn't know the -- the salary
5 base when I applied for it because it wasn't
6 listed.

7 Q Okay. Is there -- Is the salary normally
8 listed on job postings?

9 A The -- the grade is; the salary is not.

10 Q All right. So, from the grade, you may or
11 may not be able to tell what the salary is
12 going to be?

13 A Yeah. I'm not even for sure if the grade
14 was listed on the assistant manager's
15 position.

16 Q Okay.

17 A And, plus, I had hoped they would base the
18 salary on my railroad experience and
19 longevity with the company.

20 Q So, you would hope that they would pay you a
21 higher salary based on your prior
22 experience?

23 A That's correct.

1 Q Do you have any reason to believe that that
2 is how they would handle the -- handle the
3 situations then?

4 A Not necessarily.

5 Q Let me show you this document I'm going to
6 mark as Exhibit Number 12.

7 THE VIDEOGRAPHER: I need to change
8 tapes.

9 MR. BARKER: Why don't we do that.

10 (At which time, the referred-
11 to document was marked as
12 Defendant's Exhibit No. 12 by
13 the Reporter.)

14 (At which time, a recess was
15 taken.)

16 BY MR. BARKER:

17 Q Mr. Hollon, I just showed you this document
18 that I marked as Exhibit Number 12, I
19 believe.

20 A That's correct.

21 Q Do you recognize that document?

22 A Yes.

23 Q And what is that?

1 A It's a resume.

2 Q Is that your resume; is that right?

3 A That's correct.

4 Q Do you -- Do you recall when this resume is
5 from exactly?

6 A When?

7 Q Uh-huh (positive response).

8 A This had to have been after I was demoted
9 because of the time period.

10 Q Okay. Would your resume from -- be
11 substantially the same from before you were
12 demoted except the dates would be different?

13 A Some of these dates are off, I think.

14 Q Okay. But this is the resume you prepared?

15 A Well, actually, my mother-in-law typed it
16 up, but, yes.

17 Q Okay. But this is the resume you submitted
18 to the company?

19 A That's correct.

20 Q Do you know if you submitted a resume like
21 this -- like this -- Do you know if you
22 submitted this resume or one substantially
23 similar to this to the -- for the positions

1 in the spring of 2006?

2 A Yes.

3 Q Okay.

4 A Well, it's comparable to this.

5 Q Okay. What's your understanding of what the
6 customer operations group does?

7 A They -- They deal with customers' issues
8 from waybiling to on-board work systems to
9 work orders to demurrage, per diem, issuing
10 work orders, Hazmat, information about
11 trains.

12 Q And this is done -- this group, is it just
13 in Jacksonville; is that right?

14 A That's correct.

15 Q And it's a centralized group; is that right?

16 A That's correct.

17 Q Do they supervise, like, employees who work
18 in, like, a call center or something like
19 that? Do you have any idea what the -- what
20 the layout of the job is in that sense?

21 A Well, you have some that supervise the
22 clerical forces that are in the customer
23 service center. Then you have some that

1 supervise the clerical forces that are in
2 the crew management center.

3 Q Where is the crew management center?

4 A It used to be -- I'm not sure if it's all
5 centrally located at South Point or if
6 it's -- it used to be at Moncrief Yard.

7 Q Is that in Jacksonville, though?

8 A Yes.

9 Q Okay. But both -- all these are in
10 Jacksonville --

11 A Yes.

12 Q -- is that right? What is -- What is IIDS?

13 A I could not tell you.

14 Q Okay. What is STEPS?

15 A I could not tell you.

16 Q How about AEI studio?

17 A AEI?

18 Q Uh-huh (positive response).

19 A It has to do with -- I'm assuming -- or just
20 from past experience, it has to do with the
21 reading of the car and initial number off
22 AEI readers when the car goes by. It reads
23 a tag that identifies the car by number.

1 Q All right. But you're not specifically
2 familiar with the a AEI studio -- what --
3 exactly what that particular thing is?

4 A No, sir.

5 Q Okay. What about C-O-P-S, or COPS?

6 A I've heard a little bit about it, but other
7 than that --

8 Q All right. What about O-W -- O-B-W-O?

9 A On Board Work Order?

10 Q Right. What is that?

11 A That's -- Our yard crews have handheld
12 computers, you might say, that when you
13 issue a paperwork order, you can pull that
14 work order into this on-board. When you're
15 actually working the customer, you can show
16 the cars spotted, pulled or placed. And
17 through a radio signal or a phone signal,
18 it's sent -- it's sent back to Jacksonville
19 so the customer can have the information
20 pretty instantly.

21 Q Did you work with that system yourself?

22 A With the crews and actually completing work
23 orders, yes, I have worked with that a

1 little bit.

2 Q Okay. When you say "a little bit," what do
3 you mean by that?

4 A Well, when a yard crew comes in there and
5 needs hours of service and he needs you to
6 complete his work order, you usually
7 complete it for him, or you make sure
8 it's -- it's on its docking station. You
9 make sure it's transmitting the information
10 back to Jacksonville.

11 Q Okay. But that wasn't something you would
12 ordinary -- your ordinary daily
13 responsibilities did not include personally
14 using that On Board Work Order system?

15 A Personally, no.

16 Q Okay. You might take a look at something
17 that somebody had entered on there from time
18 to time, or signed off on something --

19 A That's correct.

20 Q -- that had been entered; is that right?

21 A Yeah, yeah.

22 Q All right. Are you familiar with the work
23 order system other -- Is there a work order

1 system other than the On Board Work Order
2 system?

3 A Well, yes. We, as yardmasters, issue work
4 orders for our yard jobs to do industrial
5 work.

6 Q Uh-huh (positive response).

7 A Or we input close-outs, which sends the
8 information to Jacksonville where a clerk
9 actually issues the work orders for your
10 outbound trains.

11 Q What is the yard system?

12 A It's, like, a computerized inventory of the
13 yard. Let's say you have tracks one through
14 seventeen.

15 Q Uh-huh (positive response).

16 A And it says system -- you have a receiving
17 track where a train comes in. You issue a
18 switch list on this track through, let's
19 say, the north yard.

20 Q Uh-huh (positive response).

21 A And they come out with a part of a cut.
22 They switch it. They complete it like it's
23 tabbed to each track. And once you complete

1 it, you have a running inventory of what
2 cars or at what track and in what yard.

3 Q Was that a system that you personally used?

4 A Oh, yes.

5 Q Okay. What about the -- Have you ever heard
6 of the car and train system?

7 A Yeah, it's TRCR. Yes.

8 Q And what is that exactly?

9 A It's where you can run various records on
10 cars to see where they're at. Let's say you
11 were as a customer and you were looking for
12 a car. Give me the card initial number and
13 I would bring it up. It's still in Mobile.
14 It has not reached Montgomery yet.

15 Q Uh-huh (positive response).

16 A Or if it's in a bad order state, it's in the
17 shop. So, it would have a move saying that
18 it was placed in the shops.

19 Q What is -- And you do not know what IIDS is;
20 is that right?

21 A I've heard of it, but, personally, I do not
22 know what it is.

23 Q What about inner line received?

1 A Interchange or inner line?

2 Q Inner line.

3 A I'm not familiar with that terminology.

4 Q Okay. Have you ever heard TYMS inventory
5 management?

6 A Yes.

7 Q What is that?

8 A It goes back to yard system again --
9 Training Yard Management System?

10 Q Uh-huh (positive response).

11 A Yeah, they run inventory of the yard.

12 Q Did you receive an interview for the
13 assistant manager/customer operations
14 position?

15 A No, I did not.

16 Q All right. Do you know anything about the
17 interviewing process for that position?

18 A No, I do not.

19 Q Do you know anything about how the job
20 posting system works, like, when jobs --
21 how -- like when the company post jobs and
22 how they mechanically are posted?

23 A They're -- they're -- Usually, you can -- I

1 mean, anybody can go. Anybody outside the
2 railroad can go in and apply. If it's
3 internal or external, the way I understand
4 it, you go through the Gateway.

5 Q But do you understand how the job actually
6 gets on the Gateway?

7 A No, I do not.

8 Q Okay. Do you know what functions within the
9 company is responsible for that job posting?

10 A I would say human resources.

11 Q But specifically within human resources,
12 you're not sure exactly how that works?

13 A No. I've never been in Jacksonville in the
14 human resource department.

15 Q Okay. Now, the terminal manager position in
16 Montgomery is another one that you applied
17 for; is that right?

18 A That is correct.

19 Q Did you receive an interview for that
20 position?

21 A Yes, I did.

22 Q And who did you interview with?

23 A I remember David Hamby. And I'm not sure

1 the name of the other individual who was --
2 that did the interview.

3 Q Okay. Was it in person or over the phone?

4 A It was over the phone.

5 Q All right. Does the name Frank Lahue
6 (phonetic) mean anything to you?

7 A Yes.

8 Q All right. Who is Frank Lahue?

9 A It sounds familiar, but I could not tell
10 you.

11 Q Have you ever -- So, you don't recall if you
12 ever met a Frank Lahue before?

13 A No.

14 Q Do you know who else was interviewed for the
15 terminal manager position in Montgomery?

16 A I know Ken Williams was and Jason Tipton and
17 myself, but other than that, no.

18 Q Okay. Who is Ken Williams?

19 A He's the line of road trainmaster on the S
20 and A South for Calera.

21 Q Okay. And did he tell you that he was
22 interviewed? Is that how you know that he
23 was interviewed?

1 A Yeah, he'd come in and talked about applying
2 for the position.

3 Q Uh-huh (positive response). About how long
4 had he been a trainmaster?

5 A Between five to ten years, I think.

6 Q So, longer than you had, probably?

7 A Yes.

8 Q Okay. Had he always been a line of road
9 trainmaster?

10 A I'm not sure if he actually worked in the
11 Birmingham terminal or not. All I can
12 recollect is the -- working around the
13 Calera location.

14 Q Okay. Now, Mr. Tipton was selected for that
15 position; is that right?

16 A That's correct.

17 Q And at the time he was selected, he was the
18 assistant terminal superintendent in
19 Atlanta; is that right?

20 A That's correct.

21 Q Prior to being the assistant terminal
22 superintendent in Atlanta, he was the
23 terminal manager in Mobile; is that right?

1 A That's correct.

2 Q Do you know what he did prior to being the
3 terminal manager in Mobile?

4 A Repeat that.

5 Q Do you know what his position was before he
6 was terminal manager in Mobile?

7 A I'm not sure if he was the trainmaster or
8 assistant trainmaster. For some reason, I'm
9 thinking he worked in Flomaton.

10 Q Okay. Flomaton, Alabama?

11 A That's correct.

12 Q But you're not sure what his position was
13 there?

14 A Assistant or terminal trainmaster.

15 Q Okay. The terminal manager position would
16 have been a promotion for you; is that
17 right?

18 A That's correct.

19 Q All right. For Mr. Tipton, that was a
20 lateral move; is that right?

21 A I would say so, yes.

22 Q He was already in a position at that same
23 job grade?

1 A I would say Atlanta would have been a higher
2 grade, the assistant. That would be a
3 higher grade in Atlanta.

4 Q Do you --

5 A But I couldn't swear to it.

6 Q Okay. And you had never been a terminal
7 manager before and he has --

8 A No. That was hopefully my next step, either
9 to be terminal manager or line of road
10 trainmaster.

11 Q Okay. Let me finish my question.

12 A Okay.

13 Q You had not been a -- a terminal manager
14 where Mr. Tipton had been terminal manager
15 in the past; is that right?

16 A That's correct.

17 Q Do you know who received the assistant
18 superintendent position in Atlanta after
19 Mr. Tipton vacated that position?

20 A Yes, sir. Mr. Terry Walton did.

21 Q All right. And how did you learn Mr. Walton
22 had received that position?

23 A Running through -- It was probably

1 Mr. Tipton because he -- he -- he come in in
2 the office and asked me did I apply for it,
3 that I would be a good candidate, and I
4 would probably get it if I applied for it.
5 So, I applied for it, but I never did
6 receive an interview for the assistant
7 superintendent in Atlanta.

8 Q Okay. And how did you find out that
9 Mr. Walton had received it?

10 A Just by asking. I'm not sure who exactly I
11 asked but --

12 Q Do you have any idea how old Mr. Walton is?

13 A I would say late 30 to early 40s.

14 Q And that's just based on observation? Have
15 you ever met Mr. Walton before?

16 A Yes, I have.

17 Q Okay. And based on your observation, you
18 believe he's in his late 30s or early 40s?

19 A Yes.

20 Q Would it surprise you if Mr. Walton was
21 older than you were?

22 A I wouldn't think so.

23 Q Do you know Mr. Walton's qualifications for

1 that position?

2 A For that position? I know he's on the -- I
3 think the terminal improvement team.

4 Q All right. What is that exactly?

5 A That's where they go -- Well, he came to
6 Montgomery and actually did some e-testing
7 with the officers in the terminal. Or they
8 go to each terminal to see how we can
9 improve in that terminal.

10 Q And the terminal improvement team, is that a
11 position itself, or is that -- the people on
12 that position -- on that team and other
13 positions and that's just an assignment?

14 A I'm not for sure about it.

15 Q Do you know if Mr. Walton has a degree or
16 degrees?

17 A Pretty sure he has a degree. He's retired
18 military, I believe.

19 Q Okay. Do you have any idea what his rank
20 was in the military?

21 A No, I do not.

22 Q Do you have any idea what his -- other than
23 being on the terminal improvement team,

1 what, his railroad history is?

2 A I know he wouldn't have 25 years of railroad
3 behind him being retired from military. I
4 do know that.

5 Q Do you have any idea how much management
6 experience he has in the -- with the
7 railroad?

8 A No, I do not.

9 Q And the Pensacola trainmaster position, do
10 you know who received that position?

11 A Seems like it was a William Setzer
12 (phonetic).

13 Q Okay. And -- and how did you find out who
14 obtained that position?

15 A Actually, I asked Jerry Hoseworth
16 (phonetic), who was the road foreman of
17 engines for the Pensacola part because he
18 was interviewed for it. And I asked him who
19 was awarded it.

20 Q Uh-huh (positive response). And what was
21 his response?

22 A Said it was some -- How did he put it? I'm
23 not sure if he said kid or some -- someone

1 out of Jacksonville Moncrief Yard.

2 Q Okay. Do you have any idea what
3 Mr. Setzer's railroad history is?

4 A To be honest, other than the paperwork you
5 gave me, I know he worked in Moncrief Yard
6 for a short period of time.

7 Q Do you know who made the decision regarding
8 the Atlanta terminal superintendent position
9 or the assistant superintendent position?

10 A I would say it would be Mike Pendergrass.

11 Q And why do you believe that's the case?

12 A Because through hearsay, Mr. David Hamby had
13 wanted another individual for the Atlanta
14 position, and he was overruled by
15 Mr. Pendergrass.

16 Q All right. And who was the position --
17 person Mr. Hamby wanted?

18 A He was a little fellow that went to
19 Birmingham as the assistant superintendent
20 in Birmingham.

21 Q Okay. And who was -- Do you know the name
22 of the person is?

23 A I can't swear to it. But -- I think I have

1 it in my notes. But I -- I can't recall it.

2 Q Now, when you say you have it in your notes,
3 what are you referring to?

4 A You should have everything we have. So, it
5 should be in that.

6 Q Okay. The -- Do you know whoever made the
7 decision regarding the Pensacola position?

8 A It would be a tossup between Mike
9 Pendergrass and Mr. Frulla.

10 Q Why do you think Mike Pendergrass was
11 involved in that?

12 A Because he is the VP over the Southern
13 Region.

14 Q Do you have any idea whether Mike
15 Pendergrass was involved in every management
16 promotion in the region or not?

17 A Factual, no, but gut feeling, yes.

18 Q Okay. That's just your opinion at least?

19 A Yes.

20 Q Now, you said you had the -- you had heard
21 on hearsay that Mr. Hamby had wanted to
22 promote someone else to the Atlanta
23 assistant terminal -- terminal

1 superintendent position and Mr. Pendergrass
2 had overruled him?

3 A That's correct.

4 Q What was the basis of that hearsay?

5 A What was the basis?

6 Q I mean, who told you that?

7 A I can't recall because you -- you talk and
8 discuss so much railroad with different
9 individuals. So, I just -- I can't honestly
10 pinpoint one person.

11 Q All right. And do you have any idea of what
12 the railroad background is of the individual
13 who received the assistant manager of
14 customer operations position?

15 A Other than the paperwork you gave me, no.

16 Q Okay.

17 MR. ATCHISON: Can we take a break
18 shortly?

19 MR. BARKER: Shortly, yeah. Let me
20 finish this line of questions
21 before, please.

22 Q Why do you believe that you were qualified
23 for the assistant manager of customer

1 operations position?

2 A Because I was a clerk for close to 10, 11
3 years, yardmaster for ten more years, and,
4 actually, a manager for five. So, I have a
5 working knowledge of, basically, the
6 railroad as a whole.

7 Q And do you -- Which specific experiences
8 that you have do you believe relate to the
9 customer manager -- the assistant
10 customer -- assistant manager of customer
11 operations position?

12 A Like I said, you've -- you've seen my
13 resume. I mean, I've worked every clerical
14 position there was in the Montgomery area.
15 So, I have a broad knowledge of customer
16 service.

17 Q And do you know specifically whether those
18 experiences relate to that particular
19 position, though?

20 A I mean, it did say assistant manager to
21 customer service. So, the description
22 itself should tell you.

23 Q And you have not been in a clerical

1 position, though, in about 15 years; is that
2 right?

3 A Or, actually, the yardmaster now does,
4 basically, some clerical work. So, I'm
5 still in it.

6 Q Do you have any idea that the clerical work
7 you do as the -- or have done as a
8 yardmaster is similar to the work that's
9 done in -- by the assistant manager of
10 customer operations?

11 A I imagine he's just supervising clerical
12 people who are doing this type of work. As
13 for him doing this type of work, I would
14 say, no, but he needs to be familiar with
15 it.

16 Q Have you ever spoken with anybody who's in
17 an assistant manager of customer operations
18 position or related position about what they
19 do on a day-to-day basis?

20 A Other than when the clerical supervisors
21 worked in Montgomery dealing with them on a
22 day-to-day basis. I could see what they
23 actually did in the Montgomery area.

1 Q But do you have any idea if what they do in
2 Jacksonville is anything like what they do
3 in Montgomery?

4 A I would think it would be. I mean, you're
5 basically dealing with the same things; it's
6 just moved from one location to the another.

7 Q And the technology has changed as well?

8 A It's a little faster.

9 Q The terminal manager in Montgomery position,
10 what do you believe your qualifications were
11 for that position?

12 A Like -- like I said, 25 years, this has
13 basically, been my home terminal. I
14 basically know it inside and out. I do have
15 some college background, some clerical,
16 yard -- yardmaster background, work
17 experience, work ethic; basically,
18 transportation railroad knowledge.

19 Q Do you believe you're more qualified than
20 Mr. Tipton?

21 A With the railroad experience, I would say
22 yes.

23 Q But you acknowledge Mr. Tipton has been a

1 terminal manager in the past. So, he's held
2 that position before?

3 A Yeah.

4 Q Some people might view that as making him
5 more qualified to be in that position,
6 wouldn't you agree?

7 A Well, actually coming from an assistant
8 superintendent of a major hump terminal, I
9 would say he would be overly qualified for
10 the Montgomery terminal.

11 Q Did Mr. Tipton tell you that he wanted to be
12 the terminal manager in Montgomery?

13 A You hear all kind of rumors. There's rumors
14 that he was given the position before he
15 actually applied for it, that he was told
16 that he would go to Montgomery. So, you
17 hear all kinds of stuff.

18 Q Had Mr. Tipton ever told you anything like
19 that?

20 A No, he has not.

21 Q Has Rod -- Has Rod Workman or David Hamby
22 ever told you anything like that?

23 A The only thing that Mr. Workman told me was

1 when we was in and out-of-the-park meeting
2 in Atlanta, Georgia, he pulled myself and
3 Jason Tipton into his office, and he stated
4 that I did very well on my interview.

5 And -- I'm trying to remember how he replied
6 to this. He acted like the interview didn't
7 have anything to do with it, that it was out
8 of his control that -- who got the position.

9 Q Was -- Had Mr. Tipton already been awarded
10 the position at that point?

11 A I'm trying to think of whether it was an
12 out-of-the-park meeting. I would say yes.

13 Q And this is a different out-of-the-park
14 meeting -- Was this before the
15 out-of-the-park meeting where the bonuses
16 were discussed?

17 A Yes.

18 Q Okay. So, at that point at the
19 out-of-the-park meeting where the bonuses
20 were discussed, you had already been denied
21 the terminal manager position in Montgomery?

22 A That's correct.

23 Q All right. Had you already been denied the

1 assistant superintendent position in
2 Atlanta?

3 A I would say no.

4 Q Okay. Now, you said that you saw on the
5 calendar that you were scheduled for an
6 interview for the Pensacola trainmaster
7 position?

8 A It wasn't on the calendar. It was on the --
9 actually, the -- You do a job search on the
10 Gateway.

11 Q Uh-huh (positive response).

12 A And it tells you what stage you're in
13 from -- that you applied for, that you were
14 not selected, or that you were in the
15 interview stage.

16 Q Okay. So, the -- the status of the -- of
17 the application on the -- the Gateway
18 indicated that you were in -- in the
19 interview stage, but you didn't receive any
20 information about an interview?

21 A That's correct.

22 Q Did you ever receive -- Okay. Let me back
23 up for a second.

1 When you were in your position as
2 a terminal trainmaster, did you have company
3 e-mail?

4 A Yes.

5 Q Did that e-mail include a calendar function?
6 Is there a calendar in your e-mail?

7 A I'm not for sure. I never did use it if it
8 was.

9 Q Do you have Microsoft Outlook e-mail?

10 A Yes, I do.

11 Q Okay. Do you recall ever receiving calendar
12 invites to participate in meetings?

13 A No.

14 Q Okay. You don't recall ever having received
15 such a thing?

16 A No.

17 Q All right. Do you know what I -- what I'm
18 referring to when I say calendar invite --
19 like an -- almost like an e-mail but it's
20 for a calendar instead of e-mail?

21 A No, I do not.

22 Q Okay. Did you ever contact anybody about
23 the Pensacola interview to find out what was

1 going on?

2 A Other -- I -- I was expecting to be called
3 any day would be an interview stage to be
4 interviewed. Other than talking to Jerry
5 Hoseworth and e-mailing Mr. Frulla, no.

6 Q But you e-mailed Mr. Frulla after you found
7 out you didn't get the position; is that
8 right?

9 A That's correct.

10 Q You didn't e-mail Mr. Frulla while you were
11 waiting to hear about the position or hear
12 about the interviews, did you?

13 A No.

14 Q The terminal manager position, did someone
15 call you about the interview for that?

16 A I want to say, yes, they did.

17 Q Okay. And you didn't receive an interview
18 for the assistant manager of customer
19 service position; is that right?

20 A No, I did not.

21 Q The assistant terminal superintendent
22 position, you didn't pursue an interview for
23 that?

1 A No, I did not.

2 Q Well, did you receive any communication
3 about the interview process, that you
4 wouldn't receive an interview or did you
5 just check the Gateway and it said you
6 wouldn't --

7 A I just never did receive any notification at
8 all.

9 Q Do you have any idea who was interviewed for
10 that position?

11 A It was one or two people out of the Atlanta
12 terminal I know of. Then Mr. Walton, and
13 that was about it.

14 Q Do you believe that you were more qualified
15 than Mr. Walton for that position?

16 A I believe I had potential to work the
17 position, and I was willing to learn or do
18 whatever it took to -- to hold that
19 position.

20 Q Right.

21 A Yes, I was capable.

22 Q Okay. But you are not necessarily claiming
23 that you are more capable than Mr. Walton?

1 A As per railroad knowledge, I would say yes.

2 Q Okay.

3 A As per running a terminal, I would say yes.

4 Q So, because you had -- you -- But you don't
5 know if he had terminal management
6 knowledge -- experience; is that right?

7 A I do not.

8 Q Okay. But you believe since you had 25
9 total years with the railroad that you were
10 more --

11 A Yes.

12 Q -- qualified --

13 A Yes.

14 Q -- than he was. But you're not sure how
15 many years management experience he has
16 versus how many years of management
17 experience you have either?

18 A No, I do not.

19 Q And you know he has at least a Bachelor's
20 degree; is that right?

21 A I'm not sure what kind of educational
22 background he has. I just know he was
23 military.

1 Q He never told you he has an MBA as well?

2 A No.

3 Q Okay. And you're not certain how old he is
4 exactly, is that right, although you believe
5 he's in his late 30s or early 40s?

6 A That's correct.

7 MR. ATCHISON: Break time?

8 MR. BARKER: Yeah, let's -- We can take
9 a break.

10 (At which time, a recess was
11 taken.)

12 Q I show you this document I've marked as
13 Exhibit Number 13, and ask you if you
14 recognize that.

15 (At which time, the referred-
16 to document was marked as
17 Defendant's Exhibit No. 13 by
18 the Reporter.)

19 A Okay.

20 Q Is that the job posting for the assistant
21 manager of customer operations position that
22 you saw?

23 A Yes.

1 Q Let me show you what I'm marking as Exhibit
2 Number 14.

3 (At which time, the referred-
4 to document was marked as
5 Defendant's Exhibit No. 14 by
6 the Reporter.)

7 Q Do you recognize that document?

8 A Yes.

9 Q And that's the job posting for the -- the
10 terminal manager in Montgomery position that
11 you sought?

12 A That's correct.

13 Q I show you what I've marked as Number 15.

14 (At which time, the referred-
15 to document was marked as
16 Defendant's Exhibit No. 15 by
17 the Reporter.)

18 Q Is that the trainmaster position in
19 Pensacola that you applied for?

20 A Yes, it is.

21 Q Why did you apply for the trainmaster
22 position in Pensacola?

23 A Because I thought since he would not

1 consider me for the terminal manager's
2 position in Montgomery, maybe they would be
3 willing to let me move to the Atlanta road
4 trainmaster in Pensacola.

5 Q And that was the line of road trainmasters
6 as opposed to terminal trainmasters?

7 A Well, it basically covered Pensacola. So...

8 Q Okay.

9 A It says trainmaster. They actually say line
10 of road, but --

11 Q You understood it to be a line of road
12 trainmaster position?

13 A Basically, I understood it to be a
14 trainmaster in Pensacola.

15 Q Okay. So, it wasn't a line of road
16 position, though?

17 A No.

18 Q Okay. So, in -- Is it your understanding
19 that the -- Let me back up. Let me rephrase
20 all that.

21 Is the Pensacola yard smaller or
22 larger than the -- the Montgomery yard?

23 A I've never actually been there, so I cannot

1 tell you.

2 Q Okay. Did anyone ever suggest to you that
3 you needed to seek positions outside of
4 Montgomery to diversify your experience in
5 the company if you wanted to move up?

6 A No. Actually, no.

7 Q You never -- You never had a conversation
8 with anybody who suggested that it might be
9 valuable to you to work in another location
10 besides Montgomery?

11 A Not that I can recall, no.

12 Q Has anyone ever told -- Has anyone told you
13 recently that the company is no longer
14 promoting people from contract positions to
15 management positions in the same location
16 where they were a contract position?

17 A That was sort of explained to me since I
18 applied for the Montgomery position back in
19 June, and I was not given an interview.

20 Q Who -- who explained that to you?

21 A Well, actually, from the day of the
22 interview, I called the steno clerk to ask
23 if they were interviewing for that position

1 that day, and she said yes. So, I waited to
2 be notified about an interview and never did
3 receive one. So, Mr. Tipton called me and
4 told me that Mr. Hamby had stated that,
5 since it was my own terminal, they would not
6 interview me to be promoted within your home
7 terminal.

8 Q Do you know if that policy has been applied
9 in other locations as well?

10 A I know it's been contradicted in Montgomery.

11 Q And when was that?

12 A Well, you have a road foreman of engines,
13 Mr. Perry, who's Montgomery -- this is his
14 home terminal. He was promoted to the road
15 foreman of engines in Montgomery.

16 Q And when was that?

17 A It's different -- two different divisions,
18 but it's still his home terminal.

19 Q When was that?

20 A That was the last summer when T.J. was
21 demoted.

22 Q Okay. And do you know if this policy has
23 been put in place since that time?

1 A I think I was told this policy has been in
2 effect for three years. So, they can
3 promote whoever they want to and who they
4 don't want to.

5 Q The person who received the trainmaster
6 position in Montgomery, somebody came from
7 Birmingham; is that right?

8 A That's correct.

9 Q Has anybody explained to you that he was not
10 eligible for promotion in Birmingham because
11 he had been in the bargaining unit in
12 Birmingham?

13 A But, however, he is still supervising,
14 e-testing people who he supervised and he
15 worked with in Birmingham.

16 Q But the reason for that policy, supposedly,
17 is that people are not -- they want less
18 fraternization between first-line
19 supervisors and bargaining unit employees;
20 is that right? They don't want somebody
21 supervising somebody who they were a
22 bargaining unit employee with the day
23 before?

1 A That -- that's what they say.

2 Q That's what they say, at least.

3 A That's what they say.

4 Q And that's why -- what's that individual who
5 received a position in Montgomery recently?

6 A Darren Anderson.

7 Q Darren?

8 A Anderson.

9 Q Anderson. And do you know if he sought a
10 position in Birmingham first and was told
11 that he would have to go to Montgomery?

12 A I'm not for sure. I know he was working the
13 TOPS position in Birmingham.

14 Q All right. And that's -- TOPS position is a
15 bargaining unit employee who's asked to work
16 as a temporary manager, essentially?

17 A Temporary officer, that's correct.

18 Q A temporary officer while there's a need for
19 someone in that position?

20 A That's correct.

21 Q So you, yourself -- You, yourself, have been
22 asked to work in that capacity at various
23 times; is that right?

1 A That's correct.

2 Q Do you have any objection of being asked to
3 work in a TOPS position?

4 A I was a little hesitant, but as to -- I
5 mean, I respect Jason Tipton. He's a --
6 he's a good manager. And I -- No.

7 Q You feel like that was a -- Mr. Tipton's
8 expression that he had confidence in your
9 ability to perform those duties if you were
10 asked to do so?

11 A Yes. When he basically leaves me there to
12 operate the terminal and he's not there and
13 nobody else is there, I would say yes.

14 Q Okay. The time you have served in a TOPS
15 position at times in which there were no
16 other managers who were present at the
17 facility; is that correct?

18 A That's correct.

19 Q Okay.

20 A And that's against the union agreement.
21 So...

22 Q All right. Did you tell -- say anything to
23 Mr. Tipton or anybody else about that?

1 A Well, he should be aware of the union
2 contract or agreement.

3 Q I -- I understand that, but I'm asking if
4 you said anything to him about that?

5 A No, I have not.

6 Q Did you ever say anything to anybody at the
7 union about that?

8 A No, I have not.

9 Q Okay. Let me show you this document I've
10 marked as Exhibit Number 16.

11 (At which time, the referred-
12 to document was marked as
13 Defendant's Exhibit No. 16 by
14 the Reporter.)

15 A Okay.

16 Q Is that the job description for the -- or
17 the job posting for the Atlanta terminal
18 assistant superintendent position?

19 A I believe it is to be.

20 Q The one that you sought?

21 A Without a date, I would -- I would say it is
22 the same thing.

23 Q Okay. After your demotion, you applied for

1 other positions you said?

2 A That's correct.

3 Q Do you recall what any of those positions
4 were?

5 A They range from management trainee's
6 position in the Atlanta Ready Center. I
7 applied for a trainmaster's position in
8 Birmingham. I applied for the terminal
9 manager's position in Waycross, Georgia.
10 And I applied for one -- I think it was in
11 Greenwood, South Carolina.

12 Q A terminal manager position?

13 A I'm not sure if it was a terminal
14 trainmaster or trainmaster. All of them are
15 listed in the Gateway. So, it -- it's
16 too -- too numerous to recall.

17 Q Do you have any idea who received any of
18 those positions?

19 A Any interview of any notification of any?

20 Q I'm sorry. Do you have any idea who -- who
21 was awarded any of those positions --

22 A Oh, no.

23 Q -- you applied for?

1 A No, no.

2 Q Okay. You don't -- You haven't heard or
3 know otherwise who was awarded any of those
4 positions?

5 A No, I'm not.

6 Q Do you believe your demotion would serve as
7 a negative factor on your record as far as
8 receiving a new promotion in management?

9 A I believe my demotion was in retaliation for
10 me questioning their promotional practices.

11 Q My question -- well, I'll get to that in a
12 second. But my question is: Do you think
13 that your demotion would serve -- would
14 serve as a negative factor in your applying
15 for new promotions?

16 MR. ATCHISON: I'm going to object.

17 This may call for a

18 legal conclusion.

19 Q I'm asking for your personal opinion. Do
20 you think this -- your demotion is a
21 negative factor on your application for new
22 positions?

23 MR. ATCHISON: And renewing my

1 objection.

2 A I would say my ethical and work history and
3 background should speak for itself. I only
4 did what I was instructed to do by a manager
5 of CSX.

6 Q If you were applying for a position and the
7 person didn't know you or anything about you
8 and just had your record that reflected that
9 you had been demoted, do you think that that
10 person would view that as a negative on your
11 record?

12 MR. ATCHISON: Same objection. Also
13 this calls for speculation.

14 Q If you received an application for somebody
15 for a promotion and you didn't know anything
16 about that person other than they had been
17 demoted, would you consider that a negative
18 on their record?

19 A If I was a good manager, I would investigate
20 it myself. I wouldn't assume anything.

21 Q What if you had 20 candidates for a
22 position, would you investigate every single
23 one of them?

1 A Well, like I stated before, I would look at
2 his work history, 25 years, only one
3 incident against his record. I would
4 investigate it to see if it was factual or
5 not.

6 Q Now, you said you made complaints about the
7 promotion practices at CSX. Who did you
8 make the complaint about the promotion
9 practices at CSX to?

10 A Like I stated, I -- I sent two e-mails out,
11 which was asking what to be done or why I
12 was not interviewed.

13 Q What is your -- What is your understanding
14 of how the management trainee program works?

15 A Well, there's two interpretations. There's
16 one that these are freshly graduated college
17 students are put into the management
18 trainee's position to learn a -- I think
19 they're getting within a year to train then
20 be placed.

21 Q Okay. And is there -- you said there's --
22 there's two? What's the other view of the
23 --

1 A There, however, is like Mr. Chandler Plots
2 had, I think, resigned from CSX to work with
3 his family's company, who was rehired back
4 by Mr. Hamby, put into management trainee's
5 position.

6 Q And do you know anything about the
7 circumstances of why he was rehired or,
8 perhaps, under --

9 A I think he was -- My understanding, he had
10 worked with Mr. Hamby in Atlanta and in New
11 Orleans.

12 Q And is it your understanding that he's not a
13 recent college graduate?

14 A Yes, sir, because we had a talk, and he was
15 actually attending -- I think taking some
16 courses from Troy State on line.

17 Q Okay. And do you know how far he was away
18 from completing that degree?

19 A No, I do not.

20 Q Do you know if one is -- one is eligible for
21 the manager trainee program if one has
22 substantially completed a degree or is, you
23 know, about to complete a degree in the

1 foreseeable future?

2 A I'm not for sure that the two -- the two
3 that we had were already working in -- in
4 another field. So, they'd already obtained
5 their degree.

6 Q Do you know how long they obtained their
7 degrees before they entered into that
8 program, though?

9 A Well, one is in his mid to late thirties.
10 So, I would imagine he had been in the work
11 force a few years before he went into the
12 management trainee's position with CSX.

13 Q Now, you have not completed a degree; is
14 that right?

15 A That's correct.

16 Q And -- And you have not been enrolled in a
17 degree program in -- in over ten years; is
18 that right?

19 A That's probably accurate, yes.

20 Q Why did you believe that you were eligible
21 for the management trainee program if having
22 a degree is a prerequisite for that?

23 A I'm not sure that a degree was a

1 prerequisite.

2 Q So, you --

3 A It -- It usually says -- like, stated down
4 here below on the assistant super terminal
5 manager or the line of road trainmaster:
6 Bachelor's degree or equivalent experience.
7 It says "experience."

8 MR. ATCHISON: What exhibit are you
9 looking at?

10 THE WITNESS: It's Exhibit 15.

11 MR. ATCHISON: Okay.

12 A Exhibit 16, which is assistant terminal
13 superintendent, Atlanta, Georgia: "High
14 school diploma/GED required. Undergraduate
15 in business or related field preferred."

16 Q I understand that that's what those say.
17 But do you know if the management trainee
18 program is different?

19 A No, I do not.

20 Q Okay. Do you recall what the e-mails -- you
21 said you sent an e-mail to Mr. Workman and
22 an e-mail to Mr. Frulla. And those -- and
23 you believe those e-mails constituted

1 complaints about CSX's promotional
2 practices?

3 A It was questioning me what do I need to do
4 to obtain promotion with this company. What
5 do I need to do? And Mr. Frulla was asking
6 why I was not interviewed for that
7 permission -- trainmaster position in
8 Pensacola.

9 Q And you think that sending those e-mails
10 provoked some sort of retaliation against
11 you?

12 A Well, verbally I had been questioning, I
13 mean, through other managers. I mean, but
14 as to say written --

15 Q Well, when you say verbally you had been
16 questioning, what do you mean by that?

17 A Well, I mean, I knew Mr. Tipton had -- was
18 younger. I -- I basically knew his hired
19 date. So, actually, he was a younger
20 manager that they promoted.

21 Q Mr. Tanoselle (phonetic) has four or five
22 years more management experience than you
23 do, too, doesn't he?

1 A I would say, yeah.

2 Q So, who -- Who did you have conversations
3 with where you felt like you were
4 questioning CSX's management practices?

5 A I can't swear to it, but I'm pretty sure
6 Ms. Angie Averitte -- I talked to her about
7 it.

8 Q Did you send her e-mails as well?

9 A No, I did not.

10 Q Did you just talk to her about how you --
11 what you needed to do to get promoted and
12 how you wanted to be promoted?

13 A No, I -- I addressed Mr. Workman with that
14 issue.

15 Q All right. And what did you talk with Angie
16 about specifically?

17 A Actually, when I applied for the Birmingham
18 position, she -- she talked to Scott Conner
19 about me, about my background, my work
20 ethics and all. And from talking to her,
21 she said Scott wanted to interview me for
22 the position, but labor relations would not
23 let him or allow him.

1 Q All right. Now, when was this?

2 A This was probably between June of '06 and
3 December of '06.

4 Q Okay. So, not long after you had been
5 demoted?

6 A That's correct.

7 Q You would agree if the job posting stated
8 that a person had to have been in their
9 job -- their current job for at least one
10 year before applying for a new position that
11 you would not have been eligible for that
12 position since you had just been put into a
13 yardmaster position?

14 A That's not talking about contractual
15 positions. It's talking about management
16 positions.

17 Q In your opinion, you don't think that's
18 referring to contractual positions?

19 A No, it's not.

20 Q All right. And what is your basis -- that
21 basis for that opinion?

22 A It's like being promoted from terminal
23 manager -- from a trainmaster that says

1 promoted in June of '06. I cannot apply for
2 a terminal manager or assistant
3 superintendent for an entire another year.

4 Q Okay. But if you were in a contract
5 position, you don't think that applies?

6 A No, I don't because there's no moving
7 expenses involved at all. That's so you
8 can't jump from location to location. And I
9 would assume that you're claiming all these
10 moving expenses and allowances.

11 Q All right. Has anyone ever told you that it
12 doesn't apply to contract positions or is
13 that just your -- your belief?

14 A Well, we do not advertise contractual
15 positions, and it doesn't say anything about
16 contractual positions on these applications
17 or postings.

18 Q If you -- But it does say on some of those
19 postings that you have to be in your current
20 position for a year before you're eligible
21 for that position; isn't that right?

22 A Let's find it and read it. Employees must
23 complete one year in your current position

1 before applying for a new position.

2 Q And that doesn't say anything about limiting
3 that to management positions, does it?

4 A It says, this is on that management
5 position. I would say it was applying to
6 management positions.

7 Q All right. That's your personal belief,
8 though, correct?

9 A That's my personal belief.

10 Q All right. Have you discussed that with
11 anybody at the company?

12 A No, I have not.

13 Q Okay. Other than the conversation you had
14 with Angie Averitte regarding the Birmingham
15 position, do you recall any other
16 conversations you had with managers at CSX
17 regarding your questions or concerns about
18 the promotion practices at CSX?

19 A Let's see. Well, shortly after I did not
20 get the terminal manager's -- terminal
21 manager's position in Montgomery, Ken
22 Dziwulski called me and asked what was
23 wrong. And he says, it's -- it's because

1 you did not get the terminal manager's
2 position. I said, yeah. And he said, well,
3 it -- it's very political is how he put it.
4 And I told him I was not a political person.
5 That your background or your merit should
6 stand up over politics.

7 Q Why didn't Mr. Dziwulski think there was
8 anything wrong -- Do you say he called you
9 to ask what was wrong? Why didn't --

10 A Well, it wasn't in my usual, positive,
11 chipper self, you might call it.

12 Q Okay. And so, Mr. Dziwulski called you and
13 he told you that he thought that a lot of
14 these positions were very political, and you
15 told him that you were not a political
16 person; is that right?

17 A Yes. He said it was a political --
18 political atmosphere is the way he put it.

19 Q Do you think that's inaccurate?

20 A It's very accurate.

21 Q So, what does the politics of that have to
22 do with your age?

23 A Politics and my age?

1 Q What is the politics of management positions
2 have to do with your age?

3 A Basically, I would say everything because
4 most of these people that are promoted are
5 junior employees that I've had experience
6 with. Even the person that took my position
7 was a junior, then the last three to four
8 that has come into Montgomery for a junior.
9 Even Mr. Anderson from Birmingham is junior.

10 Q Junior in the sense that he's younger than
11 you are, or he has the --

12 A That is correct.

13 Q Okay. And making sure you're not referring
14 to seniority or something else. How old is
15 Mr. Anderson?

16 A I would say late 30s, mid to late 30s.

17 Q So, you think that politics has to do with
18 your age because you've seen people receive
19 positions who were -- who you think tend to
20 be younger than you are; is that --

21 A That was what Mr. Ken referred to as being
22 very political.

23 Q You think he was referring to age when he

1 said that things were political?

2 A He just stated it was a very political
3 atmosphere.

4 Q And you didn't understand that to mean about
5 who was friends with who and, you know, who
6 was trying to impress who and those kind of
7 things?

8 A That's how I took it, yes.

9 Q All right. But who's friends with who
10 doesn't have anything to do with your age,
11 does it?

12 A Well, like I've -- I have not seen a senior
13 employee promoted, so I would say, yes. I
14 have not seen anybody my age or older
15 promoted. I have not --

16 Q To your knowledge, at least.

17 A To my knowledge, that's correct.

18 Q And when you say you've not seen anybody,
19 you mean in Montgomery?

20 A In the Montgomery area or Birmingham or
21 notably Mobile. Because basically, you talk
22 to these individuals on a daily basis when
23 you was working the management position.

1 So, I have not noted any.

2 Q Okay.

3 THE VIDEOGRAPHER: We can go ahead and
4 switch tapes.

5 MR. BARKER: Okay. That's fine.

6 (At which time, a recess was
7 taken.)

8 Q All right. Now, Mr. Hollon, you mentioned
9 that you sent an e-mail to Rob Workman, an
10 e-mail to Bob Frulla. You had a
11 conversation with Angie Averitte and a
12 conversation with Ken Dziwulski. Are there
13 any other conversations that you had where
14 you feel like you were questioning or
15 challenging CSX's promotional practices?

16 A I've talked to several people.

17 Q You said you talked to several people?

18 A Yes.

19 Q Co-workers or managers?

20 A Well, most of these were managers. I've
21 talked to Melvin Murray, and I've talked
22 to --

23 Q To who?

1 A Melvin Murray.

2 Q Okay. Melvin Murray.

3 A Line of road trainmaster with M & M.

4 Q Uh-huh (positive response).

5 A Jerry Hoseworth, road foeman of engines for
6 Pensacola.

7 Q Uh-huh (positive response).

8 A Basically, I talked to him about the age
9 discrimination issue. Even talked to him
10 that he needed to file since he did not
11 obtain the position of Pensacola also and
12 how many days with the EEOC he had to file
13 with in the State of Florida.

14 Q You said Melvin Murray, Hoseworth, and who
15 was the other person?

16 A It was Melvin Murray and just Jerry
17 Hoseworth.

18 Q That's it? And are those the only two
19 people you can recall having spoken with?

20 A Right offhand that I can recall.

21 Q And do you know if either one of them had
22 conversations with anybody else about the
23 conversations you've had with them?

1 A I'm pretty sure. I mean, things travel on
2 the railroad. So, I can't swear to it.

3 Q You don't know one way or the other?

4 A No.

5 Q But you assume they may have?

6 A Yeah.

7 Q The conversations you had with Melvin Murray
8 and Jerry Hoseworth, were those after you
9 were demoted or before you were demoted?

10 A Jerry Hoseworth was before I was demoted.

11 Q Okay. In other words, afterwards?

12 A I think I talked to him before and after.

13 Q Okay. Angie Averitte was after, though; is
14 that right?

15 A No. Actually, I talked to her before and
16 after the fact.

17 Q And were the conversations you had with her
18 were the nature of what is it -- what is it
19 going to take for me to get promoted?

20 A That was directed to Mr. Workman.

21 Q Okay. What did you -- What exactly did you
22 talk about with Angie?

23 A Well, when she was forced to Atlanta on the

1 MOPS position out of Montgomery,
2 Mr. Pendergrass, I believe, came in and had
3 a conference with her in the conference
4 room. And she put my name and Josh Connell
5 up for the next two candidates to replace
6 her.

7 Q Okay.

8 A And she told me that she had talked to
9 Mr. Pendergrass about me.

10 Q And what did he say?

11 A She didn't say anything.

12 Q All right. So, at some point, you had a
13 conversation with her where she told you
14 when she was going to Atlanta that she had
15 suggested to Mr. Pendergrass that you
16 were -- or Jason Connell would be --

17 A Josh Connell.

18 Q Josh Connell would be --

19 A Good candidates.

20 Q -- good candidates for the manager position?

21 A Or that would be my next step in line would
22 be the terminal manager's position in
23 Montgomery.

1 Q And what did you say in response to that?

2 A Probably I'd -- I probably would have
3 thanked her for her support.

4 Q How old is Josh Connell?

5 A Probably 25.

6 Q Do you know if -- Have you talked with Angie
7 Averitte about the terminal manager position
8 in Montgomery after Jason Tipton was
9 selected for it?

10 A Actually, we -- we all had a gut feeling
11 who -- who was going to get it. There was
12 rumor he already had it. So -- So,
13 basically, the day I was scheduled to
14 interview I was talking to her about just
15 pulling my application down, and she told me
16 to go ahead and go on through the interview;
17 it would be good experience.

18 Q And you did that?

19 A And I did that.

20 Q Prior to January of 2006, had you applied
21 for higher-level management positions with
22 CSX?

23 A Prior to January 2006?

1 Q Uh-huh (positive response). Or management
2 positions in other locations.

3 A I'm trying to recall. I'm trying to
4 remember if it -- when I was a yardmaster/
5 trainmaster that I had applied for -- I
6 remember applying for one in Chattanooga,
7 Tennessee, and I want to say Nashville.

8 Q Were those trainmaster positions?

9 A Yes, sir.

10 Q All right. And you don't recall if that was
11 when you -- a yardmaster or when you were a
12 trainmaster?

13 A That's correct.

14 Q Do you remember when you put in those
15 applications?

16 A No, I do not.

17 Q Was it more than a year before 2006?

18 A I -- I couldnot tell you.

19 Q Okay. Do you have any idea who got those
20 positions?

21 A No, I do not.

22 Q When you were promoted to assistant terminal
23 trainmaster, you were, what, 41 years old;

1 is that right?

2 A Around about, yeah.

3 Q Let me show you this document that I've
4 marked as Exhibit 17. Do you recognize this
5 document?

6 (At which time, the referred-
7 to document was marked as
8 Defendant's Exhibit No. 17 by
9 the Reporter.)

10 A Yes, I do.

11 Q Is that your EEOC charge you filed?

12 A Yes, it is.

13 Q And you filled this out the day you were
14 demoted, is that right, the front page?

15 A It was signed and dated on the date I was
16 demoted.

17 Q Okay. Did you personally go to the EEOC?

18 A Did I personally go to the EEOC?

19 Q Did you go to the EEOC's office in person?

20 A Actually, before my attorney helped with the
21 EEOC charge later --

22 Q Okay.

23 A -- I had talked with the EEOC directly.

1 That was back in probably April or so. And
2 she was telling me all the paperwork I
3 needed to fill out.

4 Q So, you called the EEOC?

5 A Yes, I did.

6 Q All right. Did you ever go to a physical
7 EEOC office?

8 A No, I did not.

9 Q All right. So, you called the EEOC in April
10 of 2006 --

11 A Roughly.

12 Q -- and spoke -- roughly -- and spoke with
13 somebody; is that correct?

14 A Yes.

15 Q When was the first time that you spoke with
16 your attorney regarding this matter? Before
17 or after you were taken out of service?

18 A I'm trying to recall. Probably after I was
19 taken out of service.

20 Q And you said -- and you said your attorney
21 helped you draft this document that's listed
22 as Exhibit A; is that correct?

23 A That's correct.

1 Q And Exhibit A is what you presented to
2 Mr. Frost and Mr. Workman during your
3 demotion meeting; is that correct?

4 MR. ATCHISON: Well, wait. I'm going
5 to object to the extent that this
6 shows receipt by the EEOC on June
7 the 20th. And I believe
8 Mr. Workman's meeting with -- with
9 Mr. Hollon was the day before.
10 So, to represent this is the
11 document.

12 MR. BARKER: My question to him was
13 Exhibit A, the two-page document,
14 on the back of the cover sheet, is
15 that what he presented to Mr.
16 Workman.

17 MR. ATCHISON: Ah, Exhibit A. Oh --
18 Oh, of -- of Defendant's Exhibit
19 17.

20 MR. BARKER: Yes.

21 MR. ATCHISON: Okay. Okay. With that,
22 I withdraw my objection.

23 MR. BARKER: Okay. The pages that are

1 phrased at the very top "Exhibit
2 A."

3 MR. ATCHISON: And -- and still there
4 is a note, though. There is a
5 received on June -- I guess the
6 problem I'm having with your
7 question is the date stamp that
8 EEOC puts on these documents, and
9 that date stamp on Exhibit A is
10 June the 20th. So...

11 MR. BARKER: It sure is. But I'm
12 asking -- what I'm asking about is
13 about what happened the day before
14 is whether -- if this is -- if
15 this is a copy of what he handed
16 to Mr. Workman.

17 MR. ATCHISON: If this is a print
18 matter that he sent without the
19 date stamp, I would withdraw my
20 objection, if that's your
21 question.

22 BY MR. BARKER:

23 Q Yes. My question is, is this -- the text of

1 this the substance of what you handed to
2 Mr. Workman and Mr. Frost?

3 MR. ATCHISON: With that question, I
4 withdraw my objection.

5 MR. BARKER: Okay.

6 MR. ATCHISON: That would not include
7 the date stamp on the front of
8 this Exhibit A.

9 Q Did you -- Do you want me to repeat my
10 question?

11 A I understood it.

12 Q Okay.

13 A Yes, it is. Exhibit A is.

14 Q All right. That's what you handed during
15 that meeting.

16 Let me show you this document I'm
17 going to mark as Exhibit Number 18.

18 (AT which time, the referred-
19 to document was marked as
20 Defendant's Exhibit No. 18 by
21 the Reporter.)

22 Q See if you recognize that. Do you recognize
23 that document?

1 A Yes, I do.

2 Q Is that an -- an additional document that
3 you filed with the EEOC?

4 A Correct.

5 Q Let me show you what I've marked as Exhibit
6 Number 19.

7 (At which time, the referred-
8 to document was marked as
9 Defendant's Exhibit No. 19 by
10 the Reporter.)

11 Q Is that a document you received from the
12 EEOC, or have you ever seen it before?

13 A Yes, I've seen this before.

14 Q Okay. And did you receive that document?

15 A Did I receive it?

16 Q Yes.

17 A Yes.

18 Q Okay. Now, going back to the EEOC charge
19 itself in Exhibit A to that document, in the
20 charge here, it says that: I believe
21 that -- that I -- that due to the exercise
22 of my particular activity when I complained
23 to fellow employees about the management age

1 discrimination and denial of several
2 promotions. That refers to the e-mails you
3 sent to Rob Workman and Bob Frulla?

4 A Yes.

5 Q And the conversations with Angie Averitte
6 and Mel -- Melvin Murray and --

7 A Jerry Hoseworth.

8 Q Jerry Hoseworth we already discussed,
9 correct?

10 A That's correct.

11 Q Those are the only conversations and
12 communications that this refers to; is that
13 right?

14 A That I can recall.

15 Q Do you recall if you expressly raised your
16 age with any of those people in any of those
17 communications?

18 A Mr. Hoseworth I did because I -- he was in
19 his 50s.

20 Q So, you told him you thought that the two of
21 you were being discriminated against because
22 of your age?

23 A He brought it up too because he had a degree

1 from the University of Florida. So, it
2 wasn't a degree issue or -- or being
3 qualified issue. That was not the issue.

4 Q Other than Mr. Hoseworth, is there anyone
5 else you expressly discussed -- expressly
6 remember discussing your age being a factor
7 in promotions with?

8 A With the railroad? Outside the railroad?

9 Q With the railroad.

10 A I can't recall anybody else.

11 Q Okay. Now, you say here that you were
12 passed up -- that younger, less qualified
13 individuals were given promotions over you.
14 First, for the Montgomery terminal manager
15 position, then for the assistant
16 superintendent position, and then for the
17 trainmaster position, and then for the
18 customer service position; is that right?

19 A That's correct.

20 Q But until recently you had no idea who
21 received the customer service position; is
22 that correct?

23 A That's correct.

1 Q And until recently you had no idea who
2 received the trainmaster position; is that
3 correct?

4 A No, I knew that.

5 Q How did you know who received the
6 trainmaster?

7 A Mr. Hoseworth.

8 Q Oh, he knew who received the position?

9 A Yes, he did.

10 Q And you don't know why it was that you
11 were -- that you were referenced as being
12 scheduled for an interview, but you were
13 never actually interviewed for that
14 position?

15 A I believe in your paperwork you state or
16 they state that I did not respond to the
17 interview. I was never notified about an
18 interview. I mean, I wanted the position.
19 So, I was just waiting to be either called
20 or notified.

21 Q Right. But that's -- You were not
22 interviewed, and there was this issue about
23 whether or not you were contacted to be

1 interviewed?

2 A Well, I was not contacted.

3 Q You don't know why you were not contacted
4 for the interview?

5 A That's why I sent Mr. Frulla the e-mail
6 asking why I was not.

7 Q Yes. And that was sometime after the
8 position was filled; isn't that correct?

9 A Actually, it was probably on the same day I
10 signed the remote card issue. So...

11 Q But that was sometime after the position?

12 A I'm trying to remember when that position
13 was filled. I would say, yes.

14 Q Okay. The Atlanta position went to Terry
15 Walton; is that correct?

16 A Yes.

17 Q And you're not sure whether he's younger or
18 older than you are, or you believe he's
19 younger?

20 A I believe he's younger.

21 Q And the Montgomery position went to Jason
22 Tipton; is that right?

23 A That's correct.

1 Q And we discussed your qualifications for
2 each of those positions earlier; is that
3 right?

4 A That's correct.

5 Q Now, in the second document here, 18, I
6 believe, the second EEOC charge?

7 A 18 or 19?

8 Q 18.

9 A Okay.

10 MR. ATCHISON: Is this the amended?

11 MR. BARKER: Yes.

12 Q The amended EEOC charge you state, "There
13 were other similar employees who engaged in
14 allegedly more severe incidents who were
15 neither terminated nor demoted." Who are
16 you referring to there?

17 A I'm referring to every manager that was
18 working under Mr. Allen Snap in Mobile,
19 Alabama, when the alleged falsification of
20 the time periods took place. I'm talking
21 about the assault between a manager and a
22 yardmaster in Birmingham, Alabama. I'm
23 talking about the alleged assault between a

1 yardmaster and a trainmaster in New Orleans,
2 Louisiana. Basically, those three.

3 Q All right. Now, Allen Snap was the terminal
4 manager in Mobile; is that right?

5 A That is correct.

6 Q And during Mr. Snap's tenure, it was
7 discovered that he was approving falsified
8 time sheets for employees in Mobile; is that
9 right?

10 A From working in Montgomery terminal, the
11 terminal manager does -- does not validate
12 the payroll.

13 Q In --

14 A It's either the yardmaster or the terminal
15 trainmaster that validates the payroll.

16 Q All right. In Montgomery that's how the
17 payroll is validated; is that what you're
18 saying?

19 A I would say everywhere because you have to
20 be authorized to even get into that screen
21 to validate the payroll.

22 Q And do you think terminal manager isn't
23 authorized to get into the payroll

1 validation screen?

2 A I would say not because it would be a
3 contractual -- contractual issue.

4 Q Do you know whether Mr. Snap directly
5 authorized the payroll or instructed
6 subordinate managers too falsify the
7 payroll?

8 A From working with Allen Snap, he wouldn't --
9 he wouldn't authorize falsifying.

10 Q That's based on your -- just an opinion of
11 Allen Snap?

12 A That's correct.

13 Q You don't have any personal knowledge of
14 what happened exactly in Mobile, do you?

15 A Just I -- I know -- I know that he was
16 relieved, put back in service, then demoted.

17 Q You think he was demoted to a yardmaster
18 position in Florida; is that right?

19 A That's correct. Tampa, Florida.

20 Q Tampa, Florida. And he had been in a
21 terminal position in Mobile; is that right?

22 A For several years, yes.

23 Q Yes. And, in fact, he had bumped Jason

1 Tipton out of the terminal manager position
2 in Mobile during the OEI; isn't that right?

3 A Yeah, I believe that's correct.

4 Q Before that, he had been district
5 superintendent; is that right?

6 A That's correct.

7 Q Now, you have heard -- Are you aware that
8 Mr. Snap has been demoted, but you're not
9 personally familiar with what exactly
10 happened in the incidence in Mobile; is that
11 correct?

12 A Just from hearsay.

13 Q Just from what you've heard on the railroad?

14 A That's correct.

15 Q The situation in Birmingham you were
16 referring to, is that with Mr. Carnes?

17 A That is correct.

18 Q Mr. Carnes was accused by a trainmaster, is
19 that right -- or a yardmaster of assault --
20 of assault?

21 A That's correct.

22 Q Yes. And how did you learn of this
23 situation?

1 A Through, I reckon, the conversation along
2 the railroad.

3 Q Yes. And do you know what the result of all
4 that was?

5 A The results?

6 Q Yes.

7 A No, I do not.

8 Q All right. Do you know if Mr. Carnes faced
9 any -- was investigated over this issue?

10 A I know he was put into jail. I know that he
11 was not removed from service as I was.

12 Q You said -- Do you know if Mr. Carnes was
13 exonerated in all that, too?

14 A No, I do not.

15 Q All right. Have you heard that?

16 A No, I do not.

17 Q Have you heard anything other than the fact
18 that this trainmaster accused him of
19 assaulting in the course of a disciplinary
20 incident?

21 A Well, it was a yardmaster.

22 Q Yardmaster. I'm sorry.

23 A No.

1 Q And do you have any idea who the employees
2 are who were involved in this alleged
3 assault in New Orleans?

4 A No, I do not.

5 Q You said it was a yardmaster and a
6 trainmaster got in a fight? Is that
7 basically --

8 A That's correct. Yes.

9 Q And it's your understanding that neither one
10 of them was demoted or fired?

11 A To the best of my knowledge, yes.

12 Q All right. And your knowledge base about
13 that is -- is based on what you've heard on
14 the railroad; is that correct?

15 A It's verbal, yes.

16 Q Hearsay, essentially?

17 A Yes. There was one more incidence where a
18 junior trainmaster in Mobile allegedly or
19 falsified an efficiency test. I do know
20 about that.

21 Q All right. And is that Ray Billingsley; is
22 that right?

23 A That's correct.

1 Q And do you have any idea whether that was
2 investigated and how that -- what the result
3 of that investigation was?

4 A Well, no, he was not pulled out of service.
5 I know he was not demoted.

6 Q If there was an FRA investigation?

7 A I'm not sure about that because there should
8 have been if it was an efficiency test
9 falsification.

10 Q You said you talked with Gill Cobar
11 (phonetic) about this case?

12 A Actually, the -- probably the day of or the
13 day after I talked to him.

14 Q Mr. Cobar is a former division manager of
15 CSX; is that right?

16 A That is correct.

17 Q And he left the company during the OEI; is
18 that correct?

19 A Well, he was terminated.

20 Q As part of the OEI; is that correct?

21 A As part of OEI, no.

22 Q Do you know what the circumstances of his
23 termination were?

1 A No, I do not.

2 Q Do you think that Jerry Hoseworth was more
3 qualified than you for the Pensacola
4 trainmaster position?

5 A I would say, yes, and I would have welcomed
6 him being promoted over me.

7 Q What did Mr. Cobar say to you when you
8 called him?

9 A He just couldn't believe that it had
10 happened to me and T.J. Dean with our work
11 history and work ethics. And basically,
12 he -- he discussed the retirement issue a
13 little bit. But I can't recall in detail
14 what all we talked about.

15 Q His retirement?

16 A Or being demoted before you were 50, you'll
17 lose so much percentage of your retirement.

18 Q Is that according to the -- the pension plan
19 that CSX has?

20 A From my knowledge from talking to him,
21 that's the way I understood it.

22 Q Have you ever looked into that issue other
23 than speaking with Mr. Cobar?

1 A No, I have not.

2 Q Did you talk with Mr. Cobar about your
3 signing of the FRA certification?

4 A Yes. And he stated that employees signs
5 documents all over the CSX railroad.

6 Q FRA documents or any kind of documents?

7 A Just documents, period.

8 Q All right. Did you talk with him about FRA
9 documents at all specifically?

10 A Well, he -- he knew what we had done.

11 Q How long has Mr. Cobar been gone from CSX?

12 A Probably two thousand -- I'm not for sure.
13 2005.

14 Q Let's talk about what I'm going to mark as
15 Exhibit Number 20.

16 (At which time, the referred-
17 to document was marked as
18 Defendant's Exhibit No. 20 by
19 the Reporter.)

20 Q What is that document exactly?

21 A It's just noting the person that was
22 assaulted in Birmingham, or allegedly
23 assaulted.

1 Q Where did you come by this document exactly?

2 A I'm thinking -- I can't swear to it, but I'm
3 thinking a union rep retrieved it for me.

4 Q And who was that exactly?

5 A I want to say Ronnie Putman at the time. I
6 can't swear to it, but I'm pretty sure
7 that's where I got it. It's got the whole
8 seniority district of Bolles, Gadsden,
9 Decatur, and Montgomery on it.

10 Q I show you what's marked as Exhibit 21.

11 (At which time, the referred-
12 to document was marked as
13 Defendant's Exhibit No. 21 by
14 the Reporter.)

15 Q How did come -- How did you obtain this
16 document?

17 A Actually, this was left at the yard office
18 in an envelope for me.

19 Q What's that?

20 A I said this was left in an envelope at the
21 yard office for me.

22 Q Just anonymously left in a -- in an envelope
23 at the yard office?

1 A Yes.

2 Q Do you know how it got there?

3 A No, I do not.

4 Q Has anyone ever contacted you regarding this
5 document at all?

6 A Contacted me about it, no, they have not.

7 Q No one has ever said to you that they left
8 it for you or anything like that?

9 A No.

10 Q Let me show you this document, Exhibit
11 Number 22.

12 (At which time, the referred-
13 to document was marked as
14 Defendant's Exhibit No. 22 by
15 the Reporter.)

16 Q How did you come about obtaining
17 Mr. Tipton's pay stub?

18 A This was left in an envelope with my name on
19 it at the yard office.

20 Q This was also left --

21 A Yeah.

22 Q -- in an envelope anonymously.

23 A Because I don't have any access to this.

1 Q When was that exactly?

2 A When I got the envelope?

3 Q Uh-huh (positive response).

4 A It could be from July, August.

5 Q Of last year?

6 A Yeah.

7 Q What about the Carnes' envelope?

8 A I'm not sure exactly when I received this.

9 Q Before or after?

10 A After my demotion?

11 Q No. Before or after you received this
12 envelope.

13 A I'm not for sure. I cannot swear to the
14 date or when I received it.

15 Q It was after your demotion, then?

16 A I'm not even for sure about that, to be
17 honest.

18 Q If someone received a job that you applied
19 for and they were 45, would you think that
20 that was discrimination towards you based on
21 your age?

22 MR. ATCHISON: Objection. Calls for a
23 legal conclusion.

1 MR. BARKER: I'm asking his opinion.

2 MR. ATCHISON: But he's not a lawyer.

3 MR. BARKER: I'm not asking for a legal
4 conclusion. I'm asking his
5 opinion, when he thinks age
6 discrimination has occurred.

7 Q What do you think -- Do you think if someone
8 is picked for a job and they're 45 and
9 you're 47, do you think that's age
10 discrimination?

11 MR. ATCHISON: I renew my objection.

12 Q You can go ahead and answer.

13 A What defines age discrimination?

14 Q Well, in your opinion, if someone gets a job
15 over you, when do you think it -- that your
16 age has something to do with it?

17 A Well, legally define age discrimination for
18 me.

19 MR. ATCHISON: Same objection.

20 MR. BARKER: I'm -- I'm not trying --

21 MR. ATCHISON: Let -- let -- Let me do
22 my objection, please. Object.

23 This calls for a legal conclusion.

1 Now, if you want to answer or can
2 answer, do your best.

3 Q You have alleged in this lawsuit that you
4 believe you were discriminated against
5 because of your age; is that right?

6 A That's correct.

7 Q All right. So, you have -- What is your
8 personal definition of age discrimination?

9 MR. ATCHISON: Same objections. This
10 calls for a legal conclusion.

11 A Age discrimination -- I'd say anybody
12 younger than myself or not equal to my age
13 or older.

14 Q Okay. So, anybody who's younger than you,
15 if they get a job that you applied for, that
16 could be age discrimination?

17 MR. ATCHISON: Same objection.

18 Q Is that your answer, that anybody who's
19 younger than you who received a job, that
20 could be age discrimination?

21 MR. ATCHISON: Renew my objection.

22 A If I was 42 and 38, yes, I would say age
23 discrimination. So, 47, 45, I would say

1 it -- it's still age discrimination.

2 Q All right. And do you think that every job
3 that you have not received since January of
4 2006 is due to age discrimination -- every
5 job you've applied for and not received?

6 A I would say my age would have a factor in
7 it. Yes, I would.

8 Q And why do you believe that to be the case?

9 A I reckon just from the past four
10 applications that I applied for, a younger
11 person was promoted. A younger person was
12 promoted in Pensacola, Florida, over
13 Mr. Hoseworth, who is a man in his 50s with
14 a college degree.

15 Q All right. I -- I'm not sure I understood
16 what you just said. Did you say the last
17 four positions you've applied for someone
18 younger than you has received?

19 A Well, the last four that we're talking about
20 right here.

21 Q Oh, the four in the spring of 2006?

22 A That's correct.

23 Q Okay. So, the four positions in the spring

1 of 2006, you think that a younger person
2 received those positions?

3 A And from the positions filled in Montgomery,
4 they have been filled by junior employees.
5 So, yes.

6 Q Since your demotion?

7 A Since my demotion.

8 Q Other and the recent trainmaster position in
9 Montgomery, what other positions have been
10 filled in Montgomery since your demotion?

11 A There's been two other trainmasters'
12 positions.

13 Q Okay. And when were those filled?

14 A Well, Jeremiah Grant filled the vacancy I
15 left.

16 Q You obviously weren't going to get
17 re-promoted to the position you were just
18 demoted from, though; is that right?

19 A Roger Jackson left. He was promoted, I
20 believe, with Chandler Plots. And Chandler
21 Plots quit. And Arthur Jackson came from
22 Detroit. Then when Warren left, you had
23 Bateman, Dan Bateman.

1 Q All right. And -- hang on for a second.

2 So, other than the position that was
3 filled when you were -- Do you know who
4 applied for the position that -- that you
5 vacated when you were demoted?

6 A I'm not for sure if anybody applied for it
7 or if they just filled it with a management
8 trainee.

9 Q All right. And that was one of the trainees
10 who was working in Montgomery at that time?

11 A That's correct.

12 Q Okay. That was Jeremiah --

13 A Grant.

14 Q -- Grant. And he was one of the manager
15 trainees who was working in Montgomery at
16 that time; is that right?

17 A He was the management trainee being trained
18 on the Atlanta division.

19 Q Right. And he had worked in Montgomery
20 as -- as well?

21 A He had trained in Montgomery.

22 Q Okay. And then Roger Jackson was the next
23 position that was vacated --

1 A That's correct.

2 Q -- that you listed?

3 A Yes.

4 Q And do you know who applied for that
5 position?

6 A I'm not sure if anybody applied for it, but
7 it was filled with a management trainee,
8 Chandler Plots.

9 Q Did you apply for that position when Mr.
10 Jackson was retired?

11 A No, I did not.

12 Q All right. How about when Mr. Carr retired,
13 did you apply for his position?

14 A No, I did not.

15 Q All right. Who filled Mr. Carr's position?

16 A I'm -- I'm not for sure who filled what
17 position, but Arthur Jackson from Detroit
18 come in about that time.

19 Q Do you know how old Arthur Jackson is?

20 A Probably late 20s, early 30s.

21 Q Do you have any idea what his railroad
22 background is?

23 A He's a -- management trainee position. I

1 think he had worked somewhere around Detroit
2 two or three years.

3 Q Okay. The -- Do you know who all applied
4 for Chandler Plot's position when he left
5 the company?

6 A Chandler Plots?

7 Q Chandler Plots.

8 A Actually, I believe when he left, that's
9 when Dan Bateman was pulled in from -- he
10 was a management trainee working, I think,
11 in -- at the tote ramp in Atlanta.

12 Q All right. Did you apply for Chandler
13 Plots' position?

14 A No, I did not.

15 Q All right. So, the only position in
16 Montgomery you've applied for was the one --
17 the trainmaster position that the guy from
18 Birmingham filled?

19 A In June.

20 Q In June of 2007?

21 A That's correct.

22 Q Okay. And what was that gentleman's name
23 who filled that position?

1 A Darren Anderson.

2 Q And how old is Mr. Anderson?

3 A I'd say mid to late 30s.

4 Q Okay. Do you have any idea who else applied
5 for that position besides you and
6 Mr. Anderson?

7 A There isn't -- No. There's a gentleman out
8 of Jacksonville, but I think he ended up
9 going to Birmingham.

10 Q For the position that Mr. Anderson had
11 originally wanted in Birmingham?

12 A I'm not for sure.

13 Q Did you apply for the Birmingham position
14 too?

15 A No, I did not.

16 Q Is there any particular reason why you did
17 not apply for that position?

18 A Actually, I was out of town at the time.

19 Q Okay. How long are positions posted for
20 normally?

21 A Honestly, I couldn't tell you. What, seven
22 days to two weeks, maybe a little longer,
23 maybe a month, I'm not for sure.

1 Q How often do you check the -- the Gateway
2 for job postings?

3 A Probably weekly.

4 Q Okay. Let me show you this document I've
5 marked as Exhibit Number 23.

6 (At which time, the referred-
7 to document was marked as
8 Defendant's Exhibit No. 23 by
9 the Reporter.)

10 Q Do you recognize that document?

11 A Yes.

12 Q Is that your complaint that you filed in --
13 to start this lawsuit, as you understand it?

14 A That is correct.

15 Q Okay. The -- Other than you and Mr. Dean,
16 are you aware -- and -- and the situation we
17 discussed about Allen Snap -- are you aware
18 of any other situations in which you know or
19 have heard that employees have in any way
20 falsified or, otherwise, signed someone
21 else's name to FRA documents?

22 A Other than Ken Williams.

23 MR. ATCHISON: Object to the form.

1 Q Other than Ken Williams? And we discussed
2 Mr. Williams earlier today. You heard that
3 --

4 A That is correct.

5 Q You heard -- He's a line of road
6 trainmaster, and you heard he signed someone
7 else's name to an FRA certification?

8 A Of an engineer. That's correct.

9 Q Of an engineer. Do you know if that was
10 reported to anybody?

11 A No, sir, I do not.

12 Q We talked earlier today about the
13 out-of-park meeting, discussed the bonuses.
14 Do you -- Do you know what I'm referring to?

15 A Yes, I do.

16 Q Okay. And that was in April of 2006; is
17 that right?

18 A Roughly, yes.

19 Q All right. And the people who were present
20 were Rod Workman, you, Warren Carr, T.J.
21 Dean, Angie Averitte, and maybe Roger
22 Jackson and Josh Connell; is that right?

23 A And Jeremiah Grant.

1 Q And Jeremiah Grant and Plots.

2 A That's correct.

3 Q All right. At that time, the trainmasters
4 in Montgomery were you, Warren Carr, Roger
5 Jackson, and Josh Connell; is that right?

6 A That's right, yeah.

7 Q Warren Carr had already announced his
8 retirement at that point; is that correct --
9 or during that meeting --

10 A Well, he just --

11 Q -- and mentioned it?

12 A -- mentioned he was probably going to retire
13 in October.

14 Q All right. And Roger Jackson had mentioned
15 at various times that he was considering
16 retirement as well?

17 A Sometime that year, yes.

18 Q All right. Josh Connell, you said he was in
19 his mid-20s at that point; is that right?

20 A That's correct.

21 Q And there was -- You were the only other
22 trainmaster at that location at that time;
23 is that right?

1 A That's correct.

2 Q And had Angie Averitte -- was she already in
3 the process of leaving Montgomery at that
4 point?

5 A Actually, she had been working in Atlanta
6 because the terminal manager's position was
7 already awarded to Jason Tipton.

8 Q Okay. But he wasn't there yet?

9 A No. He was in transition, you might call
10 it.

11 Q Okay.

12 A I would say she was still actually working
13 two positions at the time.

14 Q Okay.

15 MR. BARKER: Let's take just a quick
16 break, and I'll see what else I
17 have left. And I think we're very
18 close to being through.

19 (At which time, a recess was
20 taken.)

21 Q Mr. Hollon, other than Chandler Plots, are
22 there any other people who were in the
23 management training program, to your

1 knowledge, who you believe were not recent
2 college graduates or in the final stages of
3 obtaining a -- a college degree?

4 A None that I know of.

5 Q Okay. And you're not -- You know that
6 Mr. Plots knew David Hamby, but other than
7 that, you're not certain as to how he might
8 have gained admittance into the management
9 trainee program?

10 A I would say through Mr. Hamby because he --
11 he made the statement that he had worked in
12 Atlanta and then went to New Orleans and
13 worked with Mr. Hamby as a yardmaster. I'm
14 not sure what period he resigned to start
15 work with his daddy at their company. Then
16 he thought he had made a mistake. And he
17 called Mr. Hamby to see if he could get back
18 on.

19 Q Okay. And do you know -- And he was not a
20 management trainee when he was with the
21 company earlier; is that right?

22 A As far as I know he was not.

23 Q Okay. Let me show you this document that

1 I've marked as Exhibit Number 24.

2 (At which time, the referred-
3 to document was marked as
4 Defendant's Exhibit No. 24 by
5 the Reporter.)

6 Q Is that the e-mail you were referring to
7 earlier that you sent to Mr. Frulla?

8 A That is correct.

9 Q Let me show you this document I've marked as
10 Exhibit Number 25.

11 (At which time, the
12 referred-to document was
13 marked as Defendant's Exhibit
14 No. 25 by the Reporter.)

15 Q Is that the e-mail that you sent to
16 Mr. Workman contained in the text there that
17 you referenced earlier?

18 A This is a copy of the e-mail I sent
19 Mr. Workman because this is a -- an e-mail
20 sent back from me from Ms. Angie Averitte.

21 Q Okay. But the -- the -- the e-mail that's
22 lowered down in the chain notes that
23 Mr. Workman -- that's the chain e-mail you

1 sent to Mr. Workman?

2 A That is correct.

3 Q Okay. Do you recall what you and Ms.

4 Averitte discussed when you called her after
5 that?

6 A I think she just replied it was a -- it was
7 a good e-mail.

8 Q Okay. Now, in your complaint, you claim
9 that you have experienced mental anguish as
10 a result of your demotion and the denial of
11 the -- the positions that you claim to be
12 promotions from 2006; is that correct?

13 A That's correct.

14 Q Have you seen any doctors or mental health
15 professionals or counselors regarding any of
16 those issues?

17 A Let's say I have a strong faith in God.

18 Q Uh-huh (positive response).

19 A And I have six brothers and sisters. So, I
20 would say other than that, no, sir.

21 Q So, you met -- You've talked with family
22 members about the issue, but you haven't
23 spoken with a medical professional or any

1 other kind of counseling professional?

2 A No, I have not.

3 Q Okay. Are there any physiological symptoms
4 or -- that you have suffered as a result of
5 this mental anguish? Did that make --
6 that -- that question make any sense? Have
7 you had any -- Have you had any physical
8 medical conditions that you feel like are
9 expressions of your mental anguish?

10 A Physical medical conditions?

11 Q Yes.

12 A Physical medical conditions. None that I
13 know of.

14 Q Okay. Have you spoken with a physician at
15 all about any mental anguish or any resulted
16 symptoms you feel like you may have had?

17 A No, I have not. I have not.

18 Q I understand that because of your demotion,
19 you have -- that's resulted in a decrease in
20 your wages; is that right?

21 A That's correct.

22 Q As a contract employer, are you eligible for
23 a bonus at all?

1 A No, we're not.

2 Q Okay. So, you're no longer eligible for the
3 bonuses that management employees are
4 eligible for as well as a salary reduction?

5 A That's correct.

6 Q Do you earn overtime in your yardmaster
7 position?

8 A Yes, I do.

9 Q How frequently do you earn overtime?

10 A Other than working the TOPS position, I
11 would say overtime is just rare.

12 Q Okay. There's not an opportunity to work
13 extra boards in a -- your yardmaster
14 position?

15 A Well, I'm in the extra board --

16 Q Okay.

17 A -- guaranteed extra board position.

18 Q Okay. So, if there were overtime available,
19 you would be guaranteed it? Is that how
20 that works?

21 A Well, there's two on the board. It's first
22 and first up; whoever is up for it, you
23 might say.

1 Q Okay. Between you and one other person?

2 A Say if it's my off day and if he's worked
3 and he refuses it, then it's a sequence of
4 order you have to go in for overtime.

5 Q Okay. And are you second on that list or
6 first or where are you? Because it depends
7 on whose worked most recently.

8 A Well, if I had my -- my five guaranteed days
9 in, where I've worked five straight time
10 days, it would go to the oldest yardmaster
11 first.

12 Q The most senior?

13 A That's correct.

14 Q And who is the most senior yardmaster?

15 A Ned Holley.

16 Q All right. And who's the next most senior?

17 A Paul Buford.

18 Q All right. And where -- Do you know where
19 you are on the seniority list?

20 A I'm number three.

21 Q Okay. Did you get -- Do you have any -- Did
22 you get any kind of seniority credit for
23 your time in management?

1 A Oh, yes. The seniority still avails.

2 Q Okay. So, it's all just based off your --
3 your first date in that craft?

4 A That's correct.

5 Q You don't have a gap that's bridged there?

6 A No. It's still paying union dues to protect
7 that. That's correct.

8 Q Okay. When you were in management, you
9 continued to pay union dues to protect your
10 seniority?

11 A Yes. Yes, I did.

12 Q Okay. And you still pay affiliate dues to
13 the TCU to protect your clerical seniority?

14 A That's correct.

15 Q Do the dues you pay now -- are they more
16 than the dues you paid when you were in
17 management?

18 A It was the same amount.

19 Q Okay. What was your last year management
20 salary?

21 A I think it's -- I believe it was seventy-
22 three five.

23 Q All right. And what is -- Do you know what

1 your two -- what your -- half year basically
2 was last year for income?

3 A Are you referring to management or --

4 Q I'm sorry. What -- You were in your
5 contract position for about half a year last
6 year; is that right?

7 A That's correct.

8 Q Do you know what your salary was or your pay
9 was for that time including overtime?

10 A I cannot recall, to be honest.

11 Q All right.

12 A It was substantial less. I know that.

13 Q All right. And what was your last -- last
14 year management bonus?

15 A I think it was -- last -- my last bonus? My
16 last bonus I'm going to say was, like,
17 fifteen nine or fifteen seven.

18 Q Is that based purely on your performance, or
19 is that based on company performance as
20 well?

21 A It -- it's a little of both. It's based on
22 our terminal performance in Montgomery,
23 Alabama, and your division performance as a

1 whole and your performance on CSX as an
2 entire company.

3 Q Do you have any idea what the terminal
4 trainmasters received this year for bonuses?

5 A This year? Let me see. Josh Connell told
6 me. I think it was a -- it was a little
7 less than last year. It was -- I want to
8 say he -- it was a hundred and thirty (130%)
9 percent of his bonus potential.

10 Q Okay. And was the -- each individual's
11 bonus potential varied based on various
12 factors?

13 A Yes, because your -- your work -- you're at
14 a different grade.

15 Q Okay.

16 A So I say yes. Like grade three could have a
17 bonus potential of thirteen (13%) percent,
18 and grade four was, like, eighteen (18%)
19 percent, and it just moved on up the scale.

20 Q What was your grade?

21 A I was grade four.

22 Q Okay. So, do you have any idea what your
23 bonus would have been in dollars, roughly?

1 A When -- when you would take eighteen (18%)
2 percent of my gross salary. And I believe
3 you would multiply that times a hundred and
4 thirty (130%) percent.

5 Q Okay.

6 MR. BARKER: That's all I have.

7 MR. ATCHISON: Okay. I have a -- just
8 a few questions.

9 CROSS-EXAMINATION

10 BY MR. ATCHISON:

11 Q Mr. Hollon, you remember on direct
12 examination Mr. Barker asked you some
13 questions about a matter involving an
14 out-of-park meeting. What is -- What is
15 that term? That occurred in April of 2006.
16 What is an out-of-park meeting?

17 A It was a meeting out of the park. It was
18 just a competition between different
19 terminals on the entire CSX properties
20 between large hump yards, large flat
21 switching yards, medium, and small flat
22 switching yards.

23 Q Okay. Do you recall a out-of-park

1 meeting -- I believe it occurred maybe in
2 Atlanta, April of 2006? Was there such a
3 meeting, or was it Montgomery?

4 A It was a meeting in Montgomery.

5 Q Montgomery?

6 A 1st of April, yes.

7 Q Okay. And I believe on -- on a direct
8 examination you were asked a question and
9 you talked about how that several people
10 were in attendance, Jeremiah Grant, Mr. --
11 is it Plats or Plots?

12 A Plot.

13 Q Mr. Carr; Mr. Dean; Mr. Workman, who is
14 management; Ms. Averitte; Mr. Jackson; and
15 Mr. Josh Connell, I believe that's right.

16 A I believe those two were present. That's
17 correct.

18 Q Okay. As well? Okay. And you were
19 present?

20 A That's correct.

21 Q And I believe you also in response to a
22 question made a statement to the effect that
23 during that meeting Mr. Workman -- I believe

1 that's Rod Workman; is that correct?

2 A That's correct.

3 Q Looked to the management trainees and said
4 to the effect, quote, "You have a bright
5 future."

6 MR. BARKER: Object to the form.

7 Leading.

8 Q Is that -- Is that what your direct response
9 was to questions by Mr. Barker?

10 A That is correct.

11 Q Okay. And then you also said in follow-up
12 to that statement that Mr. Rod Workman
13 turned around and then asked how old you
14 were.

15 MR. BARKER: Object to the form.

16 Q Is that -- Is that -- Was that your direct
17 response to questions by Mr. Barker?

18 A Yes.

19 MR. BARKER: Object to the form.

20 Leading.

21 A He asked directly how old I was.

22 Q Okay. Now, how did that make you feel at
23 the time as an employee of CSX?

1 A It made me feel like there was no future for
2 me at all.

3 Q Due to what factor, sir?

4 A That he had bright, young managers that --
5 that they wanted the bright future for. And
6 that I was not -- there was not a bright
7 future seen for me.

8 Q And how old were you at that time in 2006?

9 A At the -- at that time 46.

10 Q Okay. Now, you have just been shown
11 Exhibits 24 and 25, which you have in front
12 of you?

13 A That's correct.

14 Q Okay. Let's look at 24, if you could. I
15 see there's a handwritten notation on the
16 bottom that says, "E-mail sent about
17 Pensacola. I believe this is the same day
18 of the remote control."

19 A Incidence.

20 Q Yeah. Is that what that's about?

21 A Yes, sir.

22 Q The remote control incident?

23 A That's correct.

1 Q Is that the same Saturday date on May the
2 27th, 2006, in which you signed for Mr. Dean
3 at his insistence?

4 A That's correct.

5 Q Okay. When -- When did you send out this
6 e-mail to the parties that is shown on the
7 e-mail, Frulla, Frost, Averitte? Do you
8 know when in the day you sent this?

9 A The time it was actually sent is at the top
10 of the e-mail. Mr. Frulla and Jack Frost
11 and Angie was 8:19 a.m. in the morning,
12 Saturday, May 27th.

13 Q All right. Do you -- Do you recall if that
14 was before or after you signed for Mr. Dean
15 in that day, the remote-control incident
16 signed in Mr. Dean's name?

17 A The Y190 remote control job goes on duty at
18 0800. So, it would be -- it'd be hard to
19 pinpoint if this was sent before or after.

20 Q But certainly the same day.

21 A This is exactly the same day.

22 Q Okay. All right. And looking at the date
23 on the next document, Defendant's Exhibit

1 25, it's the same date as 24, correct?

2 A Same date. Different time.

3 Q Just a few hours later at 11:06 a.m.?

4 A Well, actually, the one sent to Mr. Workman
5 was sent at 9:16 a.m. Angie sent me back
6 the e-mail at 11:06 a.m.

7 Q Okay. All right. So, about an hour later?

8 A That's correct.

9 Q I see at the bottom in handwriting it says,
10 "E-mail sent to Mr. Workman. No reply." Is
11 that your writing?

12 A That is my writing.

13 Q And the "no reply" is to the typewritten
14 part of the e-mail. "Mr. Workman, I just
15 need some understanding why I was not
16 considered for the Montgomery or Atlanta
17 positions. How can I improve my chances of
18 growing with this company?"

19 A That's correct.

20 Q So, Mr. Workman never replied to you in
21 writing or verbally?

22 A No, he did not.

23 Q You're agreeing with me?

1 A I'm agreeing with you.

2 Q Okay. Why did you write, "I just need some
3 understanding why I was not considered for
4 the Montgomery or Atlanta positions," in
5 this e-mail, Defendant's Exhibit 25? Why
6 did you write that statement?

7 A Well, after the out-of-the-park meeting
8 where he asked me directly how old I was --

9 Q And -- and approximately what date was that?
10 April 2006?

11 A April 2006.

12 Q Okay.

13 A And after searching the application for the
14 Pensacola trainmasters' position and finding
15 out that a junior employee was promoted over
16 myself, I was concerned with my age, that I
17 felt like it was an age discrimination. And
18 I needed to hear from Mr. Workman what do I
19 need to do as an employee at my age to be
20 considered for further advancement with this
21 company.

22 Q But -- that's the second sentence in that
23 paragraph. But I'm looking at the first

1 sentence. "I just need some understanding
2 why I was not considered for the Montgomery
3 or the Atlanta positions," and why did you
4 ask that question?

5 A Well, basically, I wanted to know if it
6 was -- had I done anything wrong, had I --
7 wasn't I qualified enough to work that
8 position, or what do I need to do to improve
9 myself so I can be promoted.

10 Q Were you also asking whether or not age was
11 a factor in you being denied as those two
12 positions?

13 MR. BARKER: Object to the form.

14 Leading.

15 MR. ATCHISON: This is cross-
16 examination.

17 A Basically, yes.

18 MR. BARKER: It's your client.

19 A Yes.

20 Q Okay. Anywhere in the time frame of April
21 or May 2006, did you contact the EEOC about
22 age discrimination matters?

23 A Actually, I contacted the EEOC of three

1 different states.

2 Q Okay. Well, let's talk about the EEOC in
3 Birmingham.

4 A Okay.

5 Q Did you contact the EEOC in the time period
6 between the open park meeting and, say,
7 this -- these memos of May the 27th, 2006?

8 A Yes, that's correct.

9 Q Okay. And were you raising questions with
10 the EEOC about age discrimination, whether
11 or not you should file an age discrimination
12 complaint?

13 MR. BARKER: I'm going to object to the
14 form. Leading.

15 A I was asking what was the procedure to file
16 an age discrimination complaint --

17 Q Okay.

18 A -- or what paperwork I needed to complete.

19 Q Okay. At any point to the present, did you
20 ever get any reply to this e-mail that you
21 sent, Defendant's Exhibit 25, from
22 Mr. Workman or anybody else?

23 A No reply from Mr. Workman or Jack Frost. No

1 reply at all.

2 Q Okay. All right. That's all.

3 MR. BARKER: A couple of follow-up
4 questions to that.

5 REDIRECT EXAMINATION

6 BY MR. BARKER:

7 Q The handwriting on Exhibits 24 and 25,
8 that -- that's your handwriting on both
9 documents, correct?

10 A That is correct.

11 Q You said you contacted the EEOC of three
12 different states. What states were those?

13 A Alabama, Florida and Georgia.

14 Q All right. Why did you contact the EEOC in
15 Georgia?

16 A Because, basically, I was trying to find out
17 the time period or what documents I needed
18 to do to file a complaint.

19 Q Okay. But you did not file your complaint
20 until June of 2006; is that right?

21 A That is correct.

22 Q All right. And did you tell anyone at CSX
23 that you had called the EEOC?

1 A I think I had talked to Jerry Hoseworth
2 about talking to the EEOC because I was
3 telling -- talking to him -- telling him how
4 many days he had to file his EEOC complaint.

5 Q Okay. Anybody else?

6 A I'm not for sure if I talked to Angie about
7 it or not, to be honest.

8 Q You don't know if you did or not?

9 A I'm not for sure if I did or not.

10 Q Okay. The e-mails that were number 24 and
11 25 there, you sent those on May 27th; is
12 that correct?

13 A That is correct.

14 Q And that was the same day as the card
15 incident?

16 A That is correct.

17 Q And on June 7th, you were taken out of
18 service as part of the investigation in the
19 card incident; is that right?

20 A That is correct.

21 Q And then on June 19th, you met with
22 Mr. Workman and Mr. Frost at which time they
23 expressed to you that you were going to be

1 demoted; is that right?

2 A That is correct.

3 Q Do you believe that once the disciplinary
4 issues came in the -- came up that promotion
5 was really on the table at that time?

6 A Can you repeat that.

7 Q All right. I'll rephrase it. Do you really
8 think that you were a likely candidate for
9 promotion at the same time that you were
10 being investigated and were shortly
11 thereafter demoted?

12 A The investigation and demotion was after the
13 fact of asking why I was not considered for
14 promotion.

15 Q Yes, and after you had -- At the time that
16 you were being investigated and were
17 subsequently demoted, did you think that you
18 were a candidate for -- for promotion at
19 that point in time?

20 A I was -- I would say yes. I am a 25-year
21 loyal, career-oriented railroad person.
22 This is the only strike other than the
23 locomotive incident with Mr. Meadows that is

1 on my record.

2 Q I understand. But the company wasn't going
3 to demote you and then promote you two weeks
4 later, were they?

5 A I would say not.

6 Q Okay. That's all I have.

7 MR. ATCHISON: No questions.

8 conclusion at 4:21.

9

10

11 (Deposition concluded at

12 approximately 4:21 p.m.)

13 * * * * *

14 FURTHER DEPONENT SAITH NOT

15

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23

1 R E P O R T E R ' S C E R T I F I C A T E

2
3 STATE OF ALABAMA)

4 ELMORE COUNTY)

5
6 I, Jeana S. Boggs, Certified Professional
7 Reporter and Notary Public in and for the State of
8 Alabama at Large, do hereby certify on Wednesday,
9 September 19th, 2007, that pursuant to notice and
10 stipulation on behalf of the Defendant, I reported
11 the deposition of RONALD A. HOLLON, SR., who was
12 first duly sworn by me to speak the truth, the whole
13 truth, and nothing but the truth, in the matter of
14 RONALD A. HOLLON, SR., Plaintiff, versus CSX
15 TRANSPORTATION, INC., Defendant, Civil Action No.
16 2:06-CV-1099-WKW, now pending in the United States
17 District Court for the Middle District, Northern
18 Division of Alabama; that the foregoing colloquies,
19 statements, questions and answers thereto were
20 reduced to 318 typewritten pages under my direction
21 and supervision; that the deposition is a true and
22 accurate transcription of the testimony/evidence of
23 the examination of said witness by counsel for the

1 parties set out herein; that the reading and signing
2 of said deposition was not waived by witness and
3 counsel for the parties.

4 I further certify that I am neither of
5 relative, employee, attorney or counsel of any of
6 the parties, nor am I a relative or employee of such
7 attorney or counsel, nor am I financially interested
8 in the results thereof. All rates charged are usual
9 and customary.

10 This the 2nd day of October, 2007.

11

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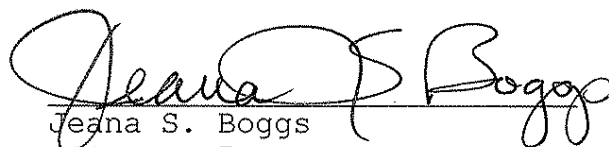
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Jeana S. Boggs

ACCR NO. 7

Certified Court Reporter and
Notary Public

Commission expires: 8/7/2010

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

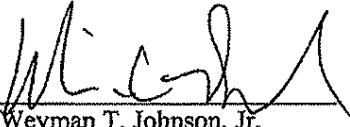
Ronald A. Hollon, Sr.,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 2:06-CV-1099-WKW
)	
CSX Transportation, Inc.,)	
)	
Defendant.)	

**NOTICE OF VIDEOTAPED DEPOSITION OF
PLAINTIFF RONALD A. HOLLON, SR.**

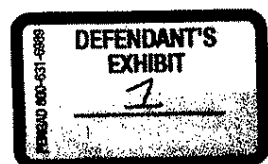
Pursuant to Federal Rules of Civil Procedure 26 and 30, Defendant CSX Transportation, Inc. ("Defendant" or "CSXT"), will take the deposition of the Plaintiff Ronald A. Hollon, Sr., on September 19, 2007, beginning at 9:00 a.m., at the offices of Gary E. Atchison, 492 S. Court Street, Montgomery, Alabama, 36104. The deposition will be taken for the purposes of discovery and all other purposes allowed by law. The deposition will be taken before an officer authorized by law to administer oaths, will be recorded by stenographic means, as well as by videotape, and will continue from day to day until completed.

This 31st day of August, 2007.

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Ala. Bar. No. 3411-R-71W

Attorneys for Defendant
CSX Transportation, Inc.



**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

Ronald A. Hollon, Sr.,

Plaintiff,

v.

CSX Transportation, Inc.,

Defendant.

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Civil Action No. 2:06-CV-1099-WKW

CERTIFICATE OF SERVICE

This is to certify that the foregoing **NOTICE OF VIDEOTAPED DEPOSITION OF PLAINTIFF RONALD A. HOLLON, SR.** was served via First Class, U.S. Mail, postage pre-paid, upon the following counsel of record:

Gary E. Atchison
P.O. Box 2002
Montgomery, AL 36102-2002

This 31st day of August, 2007.



Attorney for Defendant

EMPLOYEE MASTER INQUIRY

06/24 15:40

212

E ID: 1 182243 SSN:

NAME: R A HOLLON

PRINTER: _____

HISTORICAL DATES:

BIRTH DATE 11/14/1959
 HIRE DATE 03/30/1981
 PROMOTION :
 TERMINATION :
 LAST P/R RPT : 05/06/2001
 LAST P/R CODE: AWP

CONTACT INFORMATION: HOME PHONE: 334-365-7818
 WORK RNX 241 EXT 9230 ALT. PHONE: 334-241-9230
 EMERGENCY CONTACT:
 FIRST: ROMONA MI L LAST HOLLON
 ADDR : 2341 CO RD 61
 CITY : DEATSVILLE ST: AL ZIP: 36022
 RELATION: WI PHONE: 334-365-7818 EXT:

ROSTERS DEPT DIST CRAFT
 HOME : NOLN LN08 CLRK R
 CURRENT: YMLN RE16 YMST R
 SEN DT.: 11/21/1992 0
 FROZEN :
 CRAFT STATUS CODE : OC
 EMP. ACTIVITY CODE: PRO

POSITION INFORMATION: LOCATION :
 PERMANENT BIDS THIS YEAR: 0 RED CIRCLE:
 ASSIGNMENT POSITION TITLE SUB
 PERMANENT: -
 TEMPORARY: -
 ACTIVE : -

GUAR TYP: GJ ENDS: 99/99/9999 RTE: 161.69 | ENGR PROT SLWT:
 TOPD POS: - RTE:

NEXT FUNCTION

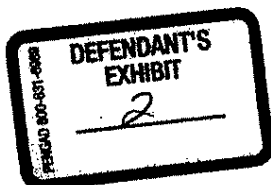
MESSAGES: PF5/17=UPDATE; PF10/22=CALENDAR; PF11/23=WORK HIST; PF12/24=ROST LIST

I have worked with this company and its affiliates since 1981. I was furloughed for about a year to a year and a half. I have trained and worked the following position:

AWP Crew Caller / yard & Road.
 LN Crew Caller
 SCL Crew Caller

WA operator
 SOU operator
 LN operator

Inbound 1050 operator
 Outbound
 Interchange
 Connection
 Assistant Chief Clerk
 Chief Clerk.
 Demurrage
 Salvage Clerk
 Janitor



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EZEX.PZ96

LIST ALL ROSTERS FOR AN EMPLOYEE

06/24 15:46 PAGE 1

EMP ID : 1 182243
NAME: R A HOLLON

BIRTH DATE: 11/14/1959 EMP ACT: PRO
HIRE DATE : 03/30/1981 ACT POS: -

=====

ROST 1	DEPT	: NOLN - NON-OPERATING - L&N				
	DIST	: LN08 - MONTGOMERY AGENCY/YD/MECH CLRK				
	CRAFT	: CLRK - CLERICAL			TYPE: REGULAR	
	STATUS:	OC	SENIORITY DATE: 03/30/1981	T.B.: 0	SEQ. STDG.: 9	

ROST 2	DEPT	: YMLN - YARDMASTERS - L&N				
	DIST	: MOM1 - MONTGOMERY YARDMASTERS				
	CRAFT	: YMST - MONTGOMERY YARDMASTERS			TYPE: REGULAR	
	STATUS:	OR	SENIORITY DATE: 11/21/1992	T.B.: 0	SEQ. STDG.: 4	

ROST 3	DEPT	: YMLN - YARDMASTERS - L&N				
	DIST	: RE16 - REGION 16/BOYL/GADS/DECA/MONTG				
	CRAFT	: YMST - REGION 16 YARDMASTERS			TYPE: REGULAR	
	STATUS:	OC	SENIORITY DATE: 11/21/1992	T.B.: 0	SEQ. STDG.: 17	

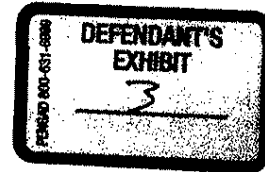
SELECT OPTION _ (I,U) FOR ROSTER NUMBER _

PRINTER: _____

NEXT FUNCTION

MESSAGES: ENTER OPTION AND ROSTER NUMBER; PF12/24 = EMPLOYEE MASTER

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CSX Code of Ethics

Letter From the President, Chairman & CEO

Dear CSX Colleague:

Enclosed is a copy of CSX Corporation's updated and revised Code of Ethics. The Code is intended to inform all employees in the CSX family of companies of the Company's expectations and of employees' legal and ethical responsibilities and obligations. CSX and its affiliated companies strive to apply high ethical, moral and legal principles in every aspect of business conduct. That is what "Right results, right way" means.

Our corporate vision is to be the safest, most progressive North American railroad, relentless in the pursuit of customer and employee excellence. At its core, the Code of Ethics expresses the fundamental values that must drive our behavior. At CSX, we believe that living by a set of core values will guide the way we treat each other and how we make business decisions. These shared values are vital to securing and maintaining respect from our shareholders, employees, Government officials and the public at large. We regard the quality of our products and services, the safety of our employees and customers, and our integrity in business dealings among our most valuable assets. Our daily performance can add to, or detract from, our company's reputation and value as a freight transportation company, an employer, a member of our local communities and a national corporate citizen.

Although some of the policies included in this Code of Ethics may not apply to you, I ask that you read the entire booklet and agree to abide by its terms, as it applies to you. Each year, I will ask you to re-read the Code of Ethics.

Thank you for your part in maintaining our role as a leader in the marketplace and in making us a leader in legal and ethical behavior.

Sincerely,

Michael J. Ward
CSX Corporation
Chairman, President and Chief Executive Officer

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CSX's Ethics and Compliance Program

CSX Corporation and its affiliated companies (referred to herein as "CSX" or the "Company") are committed to maintaining high ethical and legal standards in every aspect of its business conduct. CSX's reputation for adherence to laws, regulations and its written Code of Ethics is more important than the position or personal advancement of any one officer or employee. CSX's continued success and, most importantly, the lives and safety of its employees and customers, depends on the strength of the Company's efforts to detect, prevent and promptly remedy any actual or suspected misconduct.

CSX operates a corporate-wide program to coordinate, implement and monitor compliance with corporate values; laws and regulations applicable to the Company's business operations; and Company policies and procedures. Oversight of the Ethics and Compliance Program is the responsibility of Internal Audit & Compliance.

CSX expects its directors, officers and employees to understand and abide by all legal requirements governing the Company's business and operations. The Company provides ongoing education and guidance concerning applicable laws and regulations. Employees who wish to obtain more information on these issues should talk with their supervisor or call the CSX Ethics Information Hotline at 1-800-737-1663. Complying with the law, however, is just part of what we must do. Directors, officers and employees should continually try to avoid even the appearance of impropriety in matters involving legal obligations, the Company's Code of Ethics or other Company policies and procedures.

CSX Code of Ethics

CSX Corporation has in place a Code of Ethics applicable to all directors, officers and employees of the corporation and its subsidiaries, wherever located.¹ The Code covers conflicts of interest, insider trading, protection of confidential information and proper use of company assets, and compliance with laws and regulations applicable to the Company's business operations, among other issues central to our business and operations. This Code of Ethics provides the framework for the rules and policies of the subsidiary for which you work. Copies of those rules are available from your supervisor or Human Resources representative. Depending on your job description, you may be subject to additional and more specific rules covering one or more of the topics discussed in this Code of Ethics.

It is important for you to understand that:

- You are personally responsible for your own conduct in complying with all provisions of this Code of Ethics and for promptly reporting known or suspected violations of this Code of Ethics to your supervisor, manager or the CSX Ethics Information Hotline (1-800-737-1663).
- If you are a supervisor or manager, you are responsible and accountable for ensuring that your employees understand and comply with this Code of Ethics;

¹ CSX Corporation is comprised of principal business units, other transportation business units and non-transportation units. Principal business units of CSX Corporation are CSX Transportation, CSX Intermodal and CSX World Terminals LLC. Other transportation business units include CSX Technology; CSX Real Property; TRANSFLO; Total Distribution Services, Inc; and BridgePoint. Non-transportation business units are The Greenbrier resort hotel and Yukon Pacific Corporation.

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- No one in this Company has the authority or right to order, request or even influence you to violate this Code of Ethics or the law;
- You will not be excused for violating this Code of Ethics for any reason, even at the request of another person, including your supervisors, managers or Company officers;
- Any attempt by any person to have another violate this Code of Ethics, whether successful or not, is itself a violation and may be a violation of the law;
- Any retaliation or threat of retaliation against any person for refusing to violate this Code of Ethics or for reporting in good faith a violation or suspected violation of this Code of Ethics is itself a violation and may be a violation of the law;
- Every reported violation of this Code of Ethics will be investigated, and every actual violation will constitute a basis for disciplinary action involving the person violating this Code of Ethics and may result in civil or criminal action against that person; and
- Any employee who acts contrary to this Code of Ethics, or who knowingly gives a false report regarding a violation of this Code, may be subject to disciplinary action, up to and including termination of employment.

As part of CSX's commitment to ethics and compliance, all directors, officers and employees of CSX and its affiliated companies have a duty to promptly report any actual or suspected misconduct. Failure to fulfill this duty is a violation of CSX's Code of Ethics and may result in disciplinary measures up to and including dismissal in appropriate cases. Failure to report actual or suspected misconduct also may expose the Company and its directors, officers and employees to potential criminal and civil penalties, and damages to the Company's reputation.

If you have questions about this Code of Ethics or concerns about someone's workplace conduct, first contact your manager. If you do not feel comfortable doing this, you may contact other CSX resources available to you:

- Law Department
- The CSX Ethics Information Hotline

The CSX Ethics Information Hotline (1-800-737-1663)

In support of its Code of Ethics and to facilitate reporting of any suspected misconduct, CSX maintains a toll-free **CSX Ethics Information Hotline**, which is available 24 hours a day, 7 days a week at 1-800-737-1663, for individuals to report actual or suspected misconduct, ask questions, or raise concerns about business ethics and compliance matters, without fear of retaliation. CSX has a non-retaliation policy that prohibits retaliation against an employee for raising a concern or reporting actual or suspected misconduct in good faith. Anyone may contact the CSX Ethics Information Hotline if they have compliance questions or concerns, and callers have the right to remain anonymous, if they wish. Investigations will be conducted in as confidential a manner as possible, depending upon the circumstances presented.

At the direction of CSX's management, the CSX Ethics Information Hotline is administered by the Director, Compliance & Ethics and is staffed by an outside agency to insure independence and anonymity. All reports to the Hotline will be reviewed and investigated promptly and appropriate remedial measures will be undertaken. The Director, Compliance & Ethics will report periodically to the Audit Committee on calls received by the Ethics Information Hotline, including reports concerning financial and accounting issues.

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CSX Values

At CSX, we believe that living by a set of fundamental core values help define the true measure of a company – they guide the way we treat each other and how we make business decisions. When all employees are aligned to fundamental guiding principles, companies consistently deliver superior financial results that ensure long-term success.

At CSX, we have developed a core ideology that is the foundation for everything we do and is embodied in the motto: "Right results, right way." This creates an environment that allows us to maintain a focus on what is important, while challenging everything else in a drive for continuous improvement. There is nothing magical about this concept. It is the discipline of execution that distinguishes great companies. It is about building an organization that has purpose, focus and alignment; that lives its values every day; and that creates an environment that allows employees to grow and to produce superior results.

This core ideology – our vision, purpose and values – is the heart and soul of our Company. We believe that adhering to this core ideology will help us become an even stronger and sustainable organization – a leader in an evolving business world. For more information about CSX values, visit our web site at <http://www.csx.com/?fuseaction=employees.values>.

Guide to Business Conduct

CSX is committed to maintaining high ethical and legal standards in its business conduct. We expect every director, officer and employee to conduct himself or herself in accordance with the following Guide to Business Conduct.

Conduct Involving Ourselves and Our Fellow Employees

The basis of our values is dignity and mutual respect. These fundamental values drive our business.

Management Responsibility

At CSX, leaders must show a commitment to CSX's values through their actions. They must also promote an environment where compliance is expected and ethical behavior is the norm. All CSX directors, officers and employees must comply with the Company's values and principles. No one may ask any CSX director, officer or employee to break the law or violate the Company's policies, procedures and values.

Respect and Fair Treatment

CSX is firmly committed to the principles of equality of opportunity in employment and human relationships. Each CSX employee is expected to treat fellow employees with respect and dignity.

CSX offers employment, training, compensation and advancement on the basis of qualification, merit and business needs, regardless of race, color, religion, sex (including pregnancy, childbirth or related medical conditions), age, national origin or ancestry, physical or mental disability, veteran status, sexual orientation or any status protected by law not listed here. Fulfillment of our commitment to equal employment opportunity requires action by all employees throughout CSX. We all have a responsibility to promote equal employment opportunities. CSX is pledged to affirmative action programs that provide employment and promotional opportunities for minorities, women, individuals with disabilities and veterans. Employees are encouraged to contact their Human Resources representative to review the Affirmative Action Plan for the CSX company for which they work.

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Similarly, business relationships with competitors, suppliers and customers of CSX must always be conducted free of discrimination based on race, color, religion, sex (including pregnancy, childbirth, or related medical conditions), age, national origin or ancestry, physical or mental disability, veteran status, sexual orientation, marital status or any status protected by law not listed here. All CSX employees are responsible for implementing CSX's policy of non-discrimination. This may require special affirmative action by all levels of executive, managerial and supervisory personnel to seek out competent persons and business entities entitled to the benefits of the broad CSX commitment to equal opportunity.

Employees are encouraged to review the Equal Employment Opportunity policy for the CSX company for which they work and to direct any questions or complaints to the appropriate individuals designated in that policy.

Harassment

Our policy is to provide a work environment that is pleasant, professional and free from intimidation, hostility or other offenses that might interfere with work performance. CSX does not tolerate any form of harassment – verbal, physical or visual – by supervisors, other employees, customers, suppliers, agents or other third parties. Harassment is personally offensive, lowers morale and interferes with the ability to work cooperatively. Accordingly, CSX companies have a zero tolerance for harassment based on sex, race, color, religion, national origin, age, physical or mental disability, veteran status, sexual orientation or any other status protected by applicable federal or state law.

Employees are encouraged to review the Policy on Harassment for the CSX company for which they work and to direct any questions or complaints to the appropriate individuals designated in that policy.

Employee Privacy

CSX companies respect the privacy of all employees. CSX will only use employee records as necessary for business needs, and will share employee information only for business reasons consistent with applicable laws. Some personal employee information is very sensitive and cannot be made public under many laws. This includes certain payroll records and medical history records.

Conduct Involving Our Business Partners

Our values, honesty and standards of conduct do not stop with our actions, or at our doors. We expect the same from our suppliers, customers and others with whom we do business.

Fair Competition and Antitrust Requirements

All business activities of the CSX companies are highly competitive, and it is the policy of CSX to compete aggressively, but fairly. A major part of CSX's commitment to compete fairly is a commitment to comply with the antitrust laws. In general, these complex laws prohibit any form of agreement or understanding – whether formal or informal, written or oral, express or implied – between or among competitors that unreasonably limits or restricts competition between them. Breaking these laws can bring very severe penalties (civil and criminal) to both the Company and the individual. CSX's commitment to compliance with the antitrust laws includes the following guidelines:

- CSX employees may not discuss, or enter into a formal or informal agreement with competitors about prices other than joint line rates (sometimes called "through rates"). This

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includes agreements about matters affecting price such as demurrage terms, credit terms and other "price-like" commercial terms.

- CSX employees may not discuss, or enter into a formal or informal agreement with competitors about dividing customers, sales territories, or lines of business between themselves.
- This policy also prohibits any unfair or untrue disparagement of a CSX competitor.
- Absent compelling special circumstances, CSX companies should select all suppliers and contractors on the basis of competitive bids.

Gathering and Using Competitive Information

To compete in the marketplace, it is necessary and legal to gather competitive information. CSX employees may only gather information through lawful means. Information about competitors' rates and other actions in the marketplace can almost always be freely received from CSX customers. Employees should maintain the confidentiality of information entrusted to them by the Company or its customers, except when disclosure is authorized or legally mandated. CSX employees must never use any illegal or unethical means to obtain information about other companies.

CSX employees should not share confidential information from suppliers or customers with anyone outside CSX without written permission. Confidential information includes all non-public information that is shared with you in the reasonable expectation that it will be kept confidential and that might be of use to that company's competitors, or harmful to CSX or CSX customers, if disclosed. If agreements are signed to protect information, be sure to follow their terms and conditions. Do not steal trade secret information, and do not suggest or ask others to disclose trade secrets, especially new employees hired from a competitor. New hires may not bring papers or computer records from prior employers, if those papers or records contain proprietary or confidential information belonging to their prior employer.

Accurate and Complete Books, Records and Accounting

A company's credibility is judged in many ways – one fundamental way is the integrity of its books, records and accounting. In addition to our own commitment to accurately report financial performance, CSX companies are required by securities laws to report financial information in accordance with generally accepted accounting principles.

Every CSX director, officer and employee must help ensure that reporting of business and financial information – computerized, paper or otherwise – is accurate, complete and timely. This includes accurate recording of costs, revenues, time sheets, vouchers, bills, payroll and benefits records, and regulatory data, among other business information.

In addition, all directors, officers and employees of CSX companies must:

- Follow all laws, accounting requirements and company procedures for reporting financial information;
- Never deliberately make a false or misleading entry in any report or record;
- Never suppress, alter or destroy company records without authorization;
- Never sell, transfer or dispose of company assets without proper documentation and authorization;

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- Cooperate with our internal and outside auditors;
- Contact the accounting or auditing organization with any questions about the proper recording of business and financial transactions; and
- Contact the Law Department with any legal questions you may have relating to these topics.

Doing Business with the Government

Each year, CSX companies do substantial business with the U.S. and other Governments. While integrity is the foundation for our dealing with all customers, special rules apply when the Government is our customer, which are very different from those that govern our dealings with private sector companies. Violations of Government procurement laws can result in criminal and civil penalties, loss of contracts and ineligibility from doing further business with the Government. Under the civil False Claims Act, in particular, the Government can impose liability on a contractor for the submission of false claims to the Government, or a false statement in support of a claim, including the costs of the lawsuit, triple the amount of its actual damages, and a civil penalty of between \$5,000 and \$10,000 for each false claim. A "claim" is a request or demand for money or property submitted by a contractor to the Government, such as an invoice or contract billing. For this reason, it is important that all invoices or billings submitted by CSX to the Government be accurate and complete.

Those involved in bidding or providing products or services under a Government contract need to know these special rules, which include, but are not limited to, the following:

- Never seek or accept from any federal agency, or from any other source, a competitor's confidential bid or proposal information or an agency's source selection information prior to the award of the agency contract to which the information relates.
- Know the special rules on offering or providing gifts, gratuities or entertainment to Government employees, and obtain any advance approvals required by Company procedures.
- When dealing with a quasi-governmental body, know whether government procurement laws and/or ethics rules apply to your dealings with them.
- Know and follow the anti-kickback rules, including restrictions on gifts by those seeking business from the Government and from Government contractors.
- Understand "most favored customer" pricing and disclosure requirements and verify compliance.
- Conform strictly to the contract specifications, and all quality, quantity, delivery and testing requirements.
- Charging and allocation of costs, including employee time and overhead, provision of any cost or pricing data and billings to the Government must always be accurate, complete and in full compliance with applicable procurement rules and regulations.
- Be truthful, accurate, current and complete in all representations and certifications made to Government agencies.
- Do not falsify any document or provide any misleading information relating to the award, performance or payment under any Government contract or subcontract.

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- Know your Government customer's rules and regulations, including the requirements of standard contract clauses incorporated in the contract, either directly or by reference.
- Refrain from initiating any employment discussions with any current or former Government employee without first consulting with the Legal Department.

If you are involved with any aspect of a Government contract, you must not take any action that would violate any of these requirements.

Dealing with Suppliers

CSX's Purchasing and Materials group handles the procurement, materials management and transport of items and services necessary for running a railroad and the Company, including investment recovery activities. The relationships we establish with our suppliers are important to us. The values of CSX are applicable in all of our dealings with suppliers, including a commitment to achieving the right results in the right way. CSX's policy is to base all procurement decisions on the best value received by CSX. CSX companies will not knowingly use suppliers who participate in any of the following activities: supply unsafe products or services; violate laws or regulations; or use child labor or forced labor.

Good procurement conduct – which is required of any CSX employee in any department who has dealings with suppliers or vendors – includes the following:

- Use established corporate-wide or regional supply (leveraged) agreements;
- Whenever possible, obtain competitive bids when leveraged agreements do not exist;
- Ensure the overall performance capability of the supplier, including delivery, quality and financial status;
- Make sure that purchase agreements clearly state the services or products to be provided, the basis for earning payment, and the applicable rate or fee;
- The fee or price paid for goods and services by CSX must represent the value of the goods or services provided;
- Avoid reciprocal agreements;
- Encourage support for minority and women-owned businesses; and
- Purchase in support of CSX's Environmental, Safety and Health values and policies.

Relationships and Conflicts of Interest

Fair Dealing: Each CSX employee should endeavor to deal fairly with the Company's customers, suppliers, competitors and employees. No CSX director, officer or employee should take unfair advantage of anyone through manipulation, concealment, abuse of privileged information, misrepresentation of material facts or any other unfair-dealing practice.

Conflicts of Interest: A "conflict of interest" occurs when an individual's private interest interferes in any way – or even just appears to interfere – with the interests of the Company as a whole. A conflict situation can arise when a director, officer or employee takes actions or has interests that may make it difficult to perform his or her company work objectively and effectively. Conflicts of

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Interest also arise when a director, officer or employee, or a friend or member of his or her family, receives improper personal benefits as a result of his or her position in the Company. Loans to, or guarantees of obligations of, such persons are of special concern.

It is CSX policy that no director, officer or employee – or any member of his or her immediate family – should acquire a financial interest in, or accept employment by, an entity doing business with a CSX company if the interest or employment would conflict with the employee's performance of his or her duties. Similarly, no CSX director, officer or employee should take any business action for personal benefit, or to benefit a friend or relative.

Corporate Opportunities: Pursuant to CSX's policy prohibiting conflicts of interest, CSX directors, officers and employees are expected to make decisions in the best interests of the Company, and not for personal gain. CSX directors, officers and employees are prohibited from: (1) taking for themselves personally opportunities that are discovered through the use of corporate property, information or position; (2) using corporate property, information or position for personal gain; and (3) competing with the Company.

Directors, officers and employees owe a duty to the Company to advance its legitimate interests when the opportunity to do so arises. CSX directors, officers and employees also have a duty to report to the CSX Ethics Information Hotline any situation that may appear to present a conflict of interest.

Entertainment and Gifts

Ethical considerations are extremely important in supplier, competitor and customer relationships. CSX's position is clear: no gift, favor, hospitality or entertainment should be accepted or provided if it will create a feeling of obligation, compromise judgement or appear to influence the recipient. Kickbacks, bribes, rebates or other forms of illegal consideration are never acceptable, and should never be given or accepted by anyone acting on behalf of a CSX company. Receiving or giving gifts of cash or cash equivalents, including gift certificates, prepaid credit or charge cards, or gift cards, is never permitted.

To help ensure that your decisions are the right ones, ask yourself the following questions when giving or receiving any form of business entertainment or gift:

- Is it legal, customary and in good taste?
- Is it clearly related to the conduct of CSX business?
- Would you feel comfortable giving or receiving the entertainment or gift in a public setting?
- Could the offer influence or appear to influence your business judgement in any way?

If any doubt exists as to the impact that giving or receiving entertainment or gifts could have on the reputation of the Company or your personal reputation, the entertainment or gift should not be offered or accepted. Because these judgements sometimes can be difficult, CSX has established certain standards for exchanging entertainment and gifts which are described below. Your organization may choose to establish entertainment and gift policies that are more restrictive than those described below.

It is generally accepted business practice to provide and accept meals and entertainment that occur in conjunction with business meetings and conferences provided the meals and entertainment are not lavish. It is also acceptable to accompany a supplier or customer to recreational or social outings that have a clear business goal or charitable purpose. Invitations that involve customer or supplier provided overnight accommodations may be accepted only with

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the prior written approval of the department head. Employees should never solicit entertainment from suppliers or customers.

Gifts are defined as items, products or services given to an employee by a competitor, supplier, customer or any other party with whom CSX does business. Tickets to sporting or other events where the supplier or customer has no intention of accompanying the employee are considered gifts.

Employees may accept nominal gifts defined as having a value of up to \$100 per year from a single organization. Employees may not solicit gifts. No gift may be offered in violation of another organization's standards.

CSX employees dealing with Government officials should be particularly alert to the special rules that may limit or prohibit giving gifts, gratuities, entertainment or other favors to Government officials. In conducting business with Government officials, CSX will abide by all existing regulations and laws. Specific questions regarding Government officials should be directed to Government Affairs, the Law Department or the Ethics Information Hotline.

Conduct Involving Our Business Resources

CSX is committed to protecting its business resources. We expect every director, officer and employee to follow the standards set forth in the following Conduct Involving our Business Resources.

Responsible Use of Company Assets

CSX employees should respect Company property and use Company assets, including computers and related information technology assets, only in accordance with established company policies, including the CSX Information Users Policy. Theft, carelessness, misuse and waste of company property have a direct impact on the Company's profitability. Company assets and resources should be used only to conduct company business, and not for personal gain or any non-business purpose.

Document and Records Management

CSX's records and information are Company assets. The Company's Records and Information Management program assists employees in managing these assets efficiently and in accordance with Company policy.

Records and information can exist in many ways, such as documents, files, graphs, and databases, and may be kept in hard copy, electronically or on film. In order to ensure that valuable business information is well-organized and available when needed, employees should properly label and carefully handle confidential and proprietary information in accordance with procedures set forth in the CSX Records and Information Management Manual.

The Company's Record and Information Management program includes records retention policies and procedures. Check with your supervisor or the Company's Record Manager for policies regarding the retention of documents and other records that you handle, if any. Keep in mind that certain records and information pertaining to our business must be maintained for specific periods of time for legal reasons or for review by regulatory authorities.

In addition, from time to time, we receive requests from Government agencies or other third parties for documents and records relating to our business. Once we have received such a request, we are often prohibited by law from destroying documents or information responsive to that request. CSX companies have developed a policy to suspend records disposition when such circumstances arise. This policy, known as a "Legal Hold Policy," is designed to ensure that all

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affected personnel and departments are promptly notified and relevant documents and information are identified, segregated and preserved when a legal obligation arises to preserve or retain them. If you are advised that the Company has received any such document request, you must not destroy any requested or related documents or records until you have been advised by the Law Department that you are permitted to do so.

Insider Trading

In the course of your employment with CSX, you may become aware of material information about CSX or other companies that has not been made public. The use of such "inside information" about CSX or another company for your financial or other benefit is not only unethical, but also may be a violation of strict Federal laws against "insider trading" in securities (for example, stocks, bonds and options).

"Inside information" means information that:

- Is not available to the public, and
- Is "material."

"Material information" means information that a reasonable investor would likely consider important in deciding whether to buy or sell a security. Many of our employees may have inside information simply by virtue of their positions. Inside information might include, for example:

- The purchase or sale of a major asset;
- Changes in dividend policy;
- Mergers, acquisitions and joint ventures;
- Significant changes in operations or business plans;
- Major developments in litigation;
- The financial condition or operating results of a company, including earnings statements and forecasts; and
- Regulatory developments.

If you have knowledge of any of these kinds of information – and the information is non-public – it is inside information, and no CSX employee may buy or sell securities while aware of inside information. Inside information can also be information you obtained confidentially during the course of your work about another company – for example, from a customer or supplier. You should also be aware that the insider trading prohibition applies to people outside of CSX: companies who obtain the information from one of our employees (for example, an employee's spouse, friends or broker). This means you must never give someone outside your company a "tip" regarding non-public inside information – this includes discussions on Internet "chat rooms." If you do, and the person you provided the information to uses it to trade, both you and the person you provided the information to are subject to action under the Federal securities law.

Securities law violations are taken very seriously and can be prosecuted even when the amount involved is small, or the "tipper" makes no profit at all. Government agencies regularly monitor trading activities through computerized searches. CSX employees (and outsiders they are associated with) who have inside information can lawfully trade in the market once the

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Information is made public through established channels and enough time has passed for the information to be absorbed by the public.

If you have questions or concerns about your responsibilities under the insider trading laws, contact the Law Department or the CSX Ethics Information Hotline for further guidance.

Accuracy of Books, Records and Financial Reporting

Investors count on CSX to use and provide accurate information so they can make informed decisions. All CSX officers and employees must properly record many kinds of business information. All financial books, records and reports must correctly reflect transactions and events on a timely basis. These records must meet both generally accepted accounting principles and CSX's internal control requirements. The following are examples of activities that are not allowed:

- Failing to record or disclose funds or assets that should be recorded in a timely manner;
- Making false claims on an expense report, time sheet or any other report;
- Giving false or misleading quality or safety results or reports;
- Understating or overstating known liabilities or assets;
- Delaying the entry of items that should be current expenses;
- Hiding the true nature of any transaction; or
- Providing inaccurate or misleading information for Company benefit programs.

CSX directors, officers and employees must be sure that any document they prepare or sign is correct and truthful.

Intellectual Property

CSX's intellectual property – patents, trade secrets, trademarks, copyrights and other proprietary information – is considered a valuable Company asset. It is CSX's policy to establish, protect, maintain and defend its rights in all commercially significant intellectual property and to use those rights in responsible ways. All CSX employees must take steps to safeguard those assets.

In addition to protecting CSX's intellectual property rights, CSX respects the valid intellectual property rights of others. Unauthorized use of the intellectual property rights of others may expose CSX to civil lawsuits and damages. Theft and misappropriation of trade secrets, proprietary information or other intellectual property may result in significant fines and criminal penalties to both CSX and to the individual. New CSX products, services (including e-commerce initiatives), processes and software, and any proposed use of the intellectual property of others, should be timely and reasonably reviewed for infringement.

Use of Computer Resources

CSX companies have specific policies concerning employee use of Company e-mail, the Internet and Company intranet, and other electronic information sources while on Company time or using Company computers. E-mail and the Internet are powerful communication tools and valuable business assets. However, improper use of e-mail, Internet and Company intranet services can waste time and resources, and create legal liabilities and embarrassment for our employees and our Company. CSX's Information Users Policy explains what employees can and cannot do

D-000014

when using the Company's computer resources and includes policies pertaining to use of e-mail, the Internet and Company Intranet, and the export of software and other information through CSX computer resources.

CSX employees should use extreme caution when using e-mail to transmit information that may contain our company trade secrets, business plans or any other confidential or proprietary information (including the confidential or proprietary information of others). CSX employees must not send e-mail messages or otherwise use our e-mail or Internet systems in connection with:

- Engaging in illegal, fraudulent or malicious activities;
- Copying or distributing copyrighted material – for example, software, database files, MP3 files, documentation or copyrighted articles using our Company e-mail systems;
- Engaging in activities on behalf of organizations with no professional or business affiliation with our Company;
- Sending or storing offensive, sexually explicit, obscene or defamatory material;
- Annoying or harassing other people;
- Using another person's identity without explicit authorization;
- Attempting to test, circumvent or defeat security or auditing systems, without prior authorization;
- Permitting any unauthorized person to access our company e-mail systems; or
- Distributing chain letters, solicitations or offers to buy or sell goods.

CSX does allow limited personal use of our Company e-mail and Internet systems, so long as such use is reasonable, does not violate any provision of this Code of Ethics or copyright laws, and does not interfere with your productivity or the productivity of your co-workers. You must assume that an e-mail message may be disclosed to or read by individuals other than the intended recipient(s), since messages can easily be forwarded to other individuals and retained indefinitely. Therefore, you should never create an e-mail message that you or the Company would not want used as evidence in any dispute, investigation or lawsuit. Because e-mail messages can often be read out of context, it is extremely important that you avoid writing any e-mail message that even appears to violate any provision of the law or this Code of Ethics. Finally, keep in mind that there is nothing personal about e-mail correspondence. The e-mail system provided by CSX is considered company property. CSX, like most companies, monitors e-mail and attachments and will take appropriate steps if e-mail contains information or comments that are unlawful, inappropriate or otherwise inconsistent with CSX policies.

Conduct Involving Our Communities

At CSX, we are deeply committed to enhancing the quality of life in the communities we serve.

Environmental Policy

As a global transportation leader, CSX is committed to protecting the environment and ensuring the safety and health of our employees and the public. We back our commitment by promoting best practices in environmental stewardship.

D-000015

Daily decisions and actions at CSX are guided by the following environmental principles:

- Comply with applicable environmental laws and regulations;
- Make operations safe for employees, customers and the environment;
- Minimize waste, prevent pollution, and incorporate recycling in all practices and operations;
- Strive to eliminate releases that impact the environment;
- Employ sound environmental practices to address and redevelop environmentally impacted property;
- Encourage open and candid communication with employees, customers, and the public regarding the Company's environmental program and any hazard that may arise from its operations;
- Strive continually to improve environmental performance.

Safety Policy

The safe operation of CSX activities is always a primary goal. All CSX officers and employees, without exception, are responsible for ensuring that CSX operations are conducted safely. We are committed to provide transportation services in a manner that will ensure the safety of our employees, our customers and the communities we serve. Employees are expected to observe all safety rules and practices and to follow instructions concerning safe and efficient work practices. All employees should advise their supervisor or other management representatives immediately if they see a work practice or activity they consider to be conducted in an unsafe or careless manner.

CSX provides emergency planning assistance and training to local fire, police and emergency response personnel in communities served by our Company.

Political Contributions and Public Service Involvement

CSX and its subsidiaries work hard to earn and maintain the respect of the communities in which they operate. As good neighbors and good corporate citizens, we seek to support the efforts of our many employee-volunteers who contribute time and talent to local organizations. At the same time, we support a wide variety of regional and national organizations dedicated to improving the health, safety and well-being of our nation's citizens. CSX employees are encouraged to speak out on important community issues. Employees must be careful, however, not to give the impression that they are speaking on behalf of a CSX company unless they are actually authorized to do so.

No CSX company is permitted to contribute, directly or indirectly, to any Federal political campaign. Employees may not use company expense accounts to pay for any personal political contributions or seek any other form of company reimbursement.

In addition, employees should not use company facilities or resources for the benefit of any party or candidate, including an employee individually running for office. Employees are encouraged to contribute to properly established political action committees.

D-000016

The U.S. Foreign Corrupt Practices Act ("FCPA")

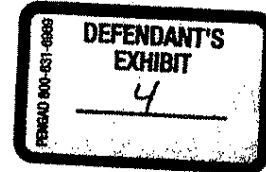
The FCPA prohibits the giving or offering of money or anything of value, either directly or through a third party, to an official of a foreign government, foreign government agency or instrumentality (which may include government monopolies, corporations, etc.) or to any foreign political party, party official or candidate, except for certain narrow exceptions as discussed below. The FCPA prohibits bribes and other improper payment regardless of the fact that they may be widely accepted or even seem necessary in the foreign country in question. A violation is a serious criminal offense for both companies and individuals, and may result in fines, loss of export privileges and imprisonment for individuals.

CSX's policy with respect to foreign corrupt practices and irregular transactions is to respect and adhere to the FCPA and laws of each country in which it does business, and never to engage in bribery. In certain circumstances, so-called "facilitating payments" – small payments to foreign government officials for routine governmental actions – are permissible under the FCPA. The purpose of such payments is to expedite the performance of a duty that the Government official is otherwise required to perform, and is distinguishable from a bribe, which is a payment given to persuade an official to give favorable treatment or exercise his discretion in favor of a payment-giver. CSX policy requires written pre-approval by the Law Department of any facilitating payment.

International Business

CSX policy is to fully comply with the specific laws and regulations of all countries where we do business, and with all U.S. laws affecting international trade, such as anti-boycott, trade sanction, export control and foreign corrupt practices laws. Violations of these laws carry stiff civil and criminal penalties for individuals and the Company, and could cause serious damage not only to our corporate reputation, but also to the public at large. Employees involved in foreign operations should be aware of these laws, and should always consult with the Law Department to ensure that CSX companies do not violate any relevant laws.

D-000017



CSX Transportation, Inc. Policy Statement on Equal Employment Opportunity

Effective: January 31, 2006

CSX Transportation, Inc. is committed to providing equal opportunity for applicants and for employees without regard to race, color, religion, sex (including pregnancy, childbirth or related medical conditions), age, national origin, physical or mental disability, veteran status, sexual orientation or any other basis protected by applicable federal or state law. This policy applies to all terms and condition of employment. Therefore,

- Persons are recruited, hired, placed, upgraded and promoted for all jobs without regard to race, color, religion, sex (including pregnancy, childbirth or related medical conditions), age, national origin, physical or mental disability, veteran status, sexual orientation or any other basis protected by applicable federal or state law;
- Other personnel actions, such as compensation, benefits, transfers, layoffs, returns or recalls from layoffs, company-sponsored training, terminations and all other privileges, terms and conditions of employment are administered without regard to race, color, religion, sex (including pregnancy, childbirth or related medical conditions), age, national origin, physical or mental disability, veteran status, sexual orientation or any other basis protected by applicable federal or state law;
- Reasonable accommodations are made to the religious practices of employees, unless such accommodation would result in undue hardship on the conduct of our business;
- CSXT will work to seek reasonable accommodation for applicants in the employment process, qualified employees with disabilities and for applicants with disabilities who have been offered employment in accordance with the Americans with Disabilities Act. As appropriate, CSXT will attempt to eliminate artificial barriers to employment in order to afford all individuals opportunities to pursue available employment to the extent of their abilities and talent;
- Discrimination, including harassment on the basis of race, color, religion, sex (including pregnancy, childbirth or related medical conditions), age, national origin, physical or mental disability, veteran status, sexual orientation or any other basis protected by applicable federal or state law is prohibited and violates Company policy. For information on the types of conduct that violate the Company's policy against harassment and the Company's internal procedure for making a complaint of harassment, please refer to the Company's Policy Statement on Harassment.
- Sexual harassment is prohibited and acts including but not limited to unwelcome sexual advances, request for sexual favors, or other verbal or physical conduct of a sexual nature violates Company policy. This is particularly the case when submission to such conduct is made a term or condition of employment or such conduct has an effect on wages, advancement, job performance, or creates an intimidating, hostile or offensive working environment. For further information on the types of conduct that violates the Company's policy against harassment and the Company's internal procedures for making a complaint of harassment, please refer to the Company's Policy Statement on Harassment.
- Retaliation against an individual who brings a complaint of harassment or discrimination or against an individual who participates in the investigation of a complaint of harassment or discrimination is strictly prohibited.

IT IS THE RESPONSIBILITY OF EVERY EMPLOYEE TO FOLLOW THIS POLICY CONSCIENTIOUSLY. IF YOU BELIEVE THERE HAS BEEN A VIOLATION OF THE POLICY YOU SHOULD REPORT IT IMMEDIATELY TO YOUR HUMAN RESOURCES MANAGER OR THE CSX ETHICS INFORMATION TOLL FREE HOTLINE AT 1-800-737-1663. THE HUMAN RESOURCES DEPARTMENT WILL INVESTIGATE EACH COMPLAINT AND

CSX
TRANSPORTATION

D-000001

WILL TAKE CORRECTIVE AND REMEDIAL ACTIONS WHERE NECESSARY. ANY EMPLOYEE WHO VIOLATES THIS POLICY IS SUBJECT TO DISCIPLINE UP TO AND INCLUDING DISMISSAL.

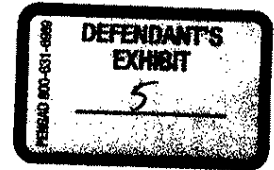
CSX Transportation is pledged to affirmative action programs that provide employment and promotional opportunities for minorities, women, individuals with disabilities and veterans. Current plan documents are maintained by the AVP of EEO and Diversity. Employees are encouraged to avail themselves of the Plan's benefits.



Michael Ward
CSXT President

D-000002

06/07/06



Attn: Rodney Saunders

J. Ronald A. Hollen Jr., Terminal
Trainmaster Montgomery, AL. I can't recall
the exact date of this incident. It was
Sat or Sunday morning we had a crew
issue filling a remote job, we were also
short of Engineer so I didn't want to
convert a job. I asked the Crew caller
to look in the M+M board to see if we
had some ~~out~~ remote qualified people
in it. I was checking it my self. J.R. Week
was in the board I knew he had worked
the remoter at one time. I told the crew
caller to call him. He called him
and said his remote ~~to~~ card had not
been signed for the past 2 years. I ask
him if it was still in date he stated yes.
I told him to come on and we would
get it signed. Thinking Wayne Pouse or T. ~~if~~ ~~San~~

P-000325

would bother. I called T. J. Dean to give him some heads up. He told me to get Mr. Weck to call him. When Mr. Weck showed up he call T. J. Dean and he told me T. J. stated for me to sign it and he would be in later.

I called T. J. Back to ask if I should be signing this Card since it's an FRA document.

He told me to sign it and he would be in later to take care of the rest.

I have been a manager in Montgomery, AL for 5 years. Montgomery was the first terminal per remote control operation. Myself, Darryl, and Cedric Killiker were never offered the training to become a ~~remote~~ ^{remote} control trainee. The three of us worked in the tower and ~~terminal~~ ^{terminal} on a daily basis, with issues of remote control problems, we never offered the training. We were never

~~1043505327~~

offered the training by CSX in hands on operation, under or FRA regulation.

Ronald A. Hollen
Terminal Trainmaster
Montgomery, AL

RCO Certification Card Incident at Montgomery, AL
Incident Date May 27, 2006

Description of Event

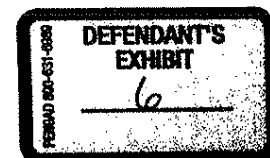
On the morning of Saturday, May 27th, 2006, Montgomery Yard needed to fill a RCO position on Y19027. Terminal Trainmaster Ron Hollon worked with the crew caller to find someone to fill the vacancy. Mr. Hollon was trying to prevent converting the job to a conventional job in order to not have to use another engineer. Engineers were needed to run the projected trains for the day. Mr. Hollon found Mr. JR Weeks on the M&M extra board and told the crew caller to call him for the job. Mr. Weeks informed them that his RCO Certification card had not been signed in the past 2 years, but his certification had not yet expired. Mr. Hollon instructed Mr. Weeks to come to work, and they would get his card signed.

Mr. Hollon then contacted Mr. Dean to get his assistance in observing Mr. Weeks during his tour of duty and also to sign his card. Mr. Dean was on his off days and out of town but agreed to return to Montgomery to perform this duty. Mr. Dean did not remember that the FRA gave CSX a 60 day waiver on RCO operators who have not had an annual ride in the previous year. CSX can allow the employee to work as an RCO operator, but it is the company's responsibility to then give the employee an annual certification ride within 60 days of operating the RCO during that calendar year as long as the 3 year Certification had not expired.

Instead when Mr. Weeks contacted Mr. Dean after he arrived at the on duty location, Mr. Dean told Mr. Weeks to have Mr. Hollon sign his name (TJ Dean) to Mr. Weeks' RCO certification card until he could get there and sign his card himself. Mr. Hollon called Mr. Dean back and questioned whether he should be signing the card, and again, Mr. Dean told him to sign his name to the card so Mr. Weeks would go to work and not delay the job. Upon his return to Montgomery, Mr. Dean observed Mr. Weeks perform his switching duties to evaluate his proficiency. He then signed Mr. Weeks' card, completed the RCO Evaluation Form, and entered the score into the computer system for the records as required.

On Tuesday, June 6, 2006, FRA Inspector Marlo Owens arrived in Montgomery, AL to inquire into the incident. RFE TJ Dean was interviewed as to his involvement in the incident. TM RA Hollon was on vacation and not available for interview. Employee JR Weeks was out of terminal working and unavailable for interview.

On Wednesday, June 7, 2006, Mr. TJ Dean and Mr. RA Hollon were removed from service pending an investigation.



D-000023

Statement of Road Foreman of Engines TJ Dean

Mr. Ron Hollon call my cell phone in the early morning of May 27, 2006. Mr. Hollon stated Mr. Weeks was call to work Y-190-27 RCO job but his RCO card needs to be signed. I stated to Mr. Hollon I could be in Montgomery somewhere early afternoon to sign Mr. Weeks RCO card account I was out of town. Mr. Hollon call me again stating Mr. Weeks RCO card needs to be sign. I told Mr. Hollon to sign my name to his RCO card and I would sign it myself when I got to Montgomery. I watch Mr. Weeks perform his switching duties and I sign his RCO card. I then went to the yard office to put his ride into the computer and mailed paperwork to Mr. Rodney Saunders. I made my decision and forgot the 60 day waiver from FRA trying to do the right thing. I made a bad decision. I didn't make this decision on trying to make false documentation to the FRA or CSX. I did it trying to avoid a employee sitting there and doing nothing for hours waiting on me. I'm truly sorry but everyone makes mistakes, and once again I'm sorry to embarrassed any of my supervisors concerning this incident.

Statement of Trainmaster RA Hollon

I, Ronald A. Hollon, Sr., Terminal Trainmaster Montgomery, AL. I can't recall the exact date of this incident. It was Sat or Sunday morning we had a crew issue filling a remote job, we were also short of Engineers so I did not want to convert a job. I asked the crew caller to look in the M&M board to see if we had some remote qualified people in it. I was checking it myself. JR Weeks was on the board. I knew he had worked the remotes at one time. I told the crew caller to call him. He called him and said his remote card had not been signed for the past 2 years. I ask him if it was still in date he stated yes. I told him to come on and we would get it signed thinking Wayne Powe or TJ Dean would be there. I called TJ Dean to give him some heads up. He told me to get Mr. Weeks to call him. When Mr. Weeks showed up he call TJ Dean and he told me TJ stated for me to sign it and he would be in later. I called TJ back to ask if I should be signing this card since it's an FRA document. He told me to sign it and he would be in later to take care of the rest. I have been a manager in Montgomery, AL for 5 years. Montgomery was the first terminal for remote control operations. Myself, Doug Yow and Cedric Killebrew were never afforded the training to become a remote control trainer. The three of us worked in the tower and terminal on a daily basis, with issues of remote control problems, but never afforded the training. We were never afforded the training by CSX in hands on operations, rules or FRA regulations.

Note: Written by Rodney Saunders, Sr. Road Foreman of Engines, Montgomery Alabama.

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From: "DALE BARNETT" <DBARNETT@ELMORE.RR.COM> [View Contact Details](#) [Add Mobile](#)
Alert

To: "Jimmy Weekley" <jweekley1611@yahoo.com>

Subject: Fw: T.J. Dean

Date: Fri, 1 Dec 2006 12:03:09 -0600

----- Original Message -----

From: "DALE BARNETT"

To: "John strength" ; "Jimmy Weekley"

Sent: Wednesday, June 21, 2006 11:15 PM

Subject: Fw: T.J. Dean

P-000278

> FYI, this was the email I sent to Mr. Pendergrass concerning T.J. and Ron.
> It is more of the proof of how I handled this situation. While this email
> seemed to have no affect on the decision that management made on 6-20, it
> nonetheless was my best attempt to keep their jobs. As a union
> representative, I have NO choice but to report any and all violations or
> issues that my members bring forth and wish to have exposed. These very
> management people had NO choice but to report the violations of our
> members and they knew every time someone was charged it was just business.
> I will not apologize for the course taken because I followed the requests
> of my members. While I do hate to see anyone lose their jobs, I was not
> the one to report this to management but rather Mr. Dean turned himself in
> when he talked to management in Jacksonville and they made the decision.
> The matter was to be handled on a division level according to Tipton with
> a coaching session with Mr. Saunders until the call by Mr. Dean. I would
> have had no problem with this course of action and I told Mr. Tipton such.

**DEFENDANT'S
EXHIBIT**

7

http://us.f386.mail.yahoo.com/ym/ShowLetter?MsgId=8819_2766437_7420_1575_2729_... 12/2/2006

> Maybe the local BLET should decide if they support management or labor in
> any disputes that involve allegations of wrong doing. T.J. is a fine
> fellow and I hope he regains a management job but I think he understands
> that when he is a manager, he is faced with this chance every day.
> Management made a choice here not the FRA (who have yet to complete a
> report on the issue and who have stated this would not have been a job
> costing violation), and certainly not the UTU nor myself. I repeat again,
> there was no motivation or agenda behind me reporting this incident other
> than the request of my members.
> Dale

> ----- Original Message -----
> From: "Barnett, Dale"
> To:
> Sent: Wednesday, June 21, 2006 11:51 PM
> Subject: FW: T.J. Dean

> From: Barnett, Dale
> Sent: Sat 6/17/2006 11:31 AM
> To: Pendergrass, Mike
> Cc: Workman, Rod
> Subject: T.J. Dean

P-000279

> Mr. Pendergrass,
>
> A few weeks back an incident occurred in Montgomery where some of my
> members of the UTU contacted me over what they believed to be a violation
> of FRA rules by Mr. T.J. Dean, the M&M RFE. Because of this request, I
> reported this violation directly to the local FRA agent for her handling
> and I informed the parties involved that the report had been sent. I later
> discovered that the issue was more of an error in judgment and that there
> were provisions allowed by the FRA that would have made the requirement of
> signing the RCO card moot until a later date.
>
> I never viewed this incident as unethical but as a possible FRA violation.
> I did not report the matter to any upper management of CSX because I did
> not feel it was an issue other than this possible FRA violation. I did
> speak with Terminal Trainmaster Jason Tipton concerning the matter to
> inform him that the report had been made to the FRA. I never felt either
> Trainmaster Ron Hollon nor RFE Dean had made any attempt to deceive anyone
> but merely made a error in judgment. If I ever felt this incident was more
> than an FRA violation and that these managers were attempting to do
> something truly against company policy or rules, I would have

contacted
> Mr. Workman or Ms. Averitte immediately. Managers make mistakes and I
try
> to point these out just as I do with our union members. We usually
correct
> these mistakes on the Division level. Perfection is a goal that can
never
> be achieved but can always be strived to reach. Mistakes and errors
can
> happen, our goal should always be to reduce the chance and severity
of
> these mistakes and errors.
>
> While this incident was not a well thought out idea by Mr. Dean, I do
not
> believe he deserves to lose his job status. I certainly do not
believe Mr.
> Hollon should be held out of service any longer and he should be
allowed
> to return to his job. We can all make mistakes in judgment sometimes
while
> making an attempt to do the right thing for the company. There should
> always be a level of understanding and forgiveness for our employees
that
> are trying, everyday, to work hard for this company.
>
> Make examples of the mistakes, not the persons involved, so that the
same
> mistakes do not occur again. But this is a matter for management to
decide
> but I did want to let you know my opinion if it mattered.
> I thank you for your time.
>
> Dale Barnett
> UTU/CSX Safety Coordinator
> Atlanta Division
>
> -----
> This email transmission and any accompanying attachments may
> contain CSX privileged and confidential information intended only
> for the use of the intended addressee. Any dissemination,
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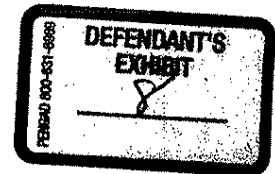
To: "Jimmy Weekley" <jweekley1611@yahoo.com>

Subject: Fw: Re: RCO FRA Certification card falsification

Date: Fri, 1 Dec 2006 12:03:43 -0600

— Original Message —

From: patrick.plumb@dot.gov
To: dbarnett@elmore.rr.com
Cc: elizabeth.hudd@dot.gov
Sent: Wednesday, November 22, 2006 11:32 AM
Subject: FW: Re: RCO FRA Certification card falsification



Re: 2006-CSX-006120

Dear Mr. Barnett:

This will respond to your complaint citing an incident occurring on May 27th involving CSX employee Jeremy Weeks, Trainmaster Ron Hollon, and Road Foreman of Engines T. J. Dean in the Montgomery yard. You alleged that CSX required a Remote Control Operator (RCO) to work in Montgomery, AL without having a proper check ride within the last two (2) years. You further alleged that a non-qualified officer signed the RCO certification card.

After review of the circumstances and events on that date, FRA has determined that CSX was not in violation of federal regulations governing Remote Control Operations. FRA has allowed CSX a 60-day grace period for an RCO that has not had a check ride for the previous year which allows an RCO to operate as such for 60 days prior to the completion of a check ride. If applied, the employee could have performed his duties on JobY190 without a check ride until July 26, 2006. Therefore, no further action is warranted at this time and this office considers this matter closed.

I understand that the investigating inspector advised you of our findings and that you were satisfied with the results.

We appreciate your continued effort to identify and resolve issues that affect rail safety.

P-000276

Sincerely,

Patrick Plumb
Deputy Regional Administrator
Federal Railroad Administration
Region 3

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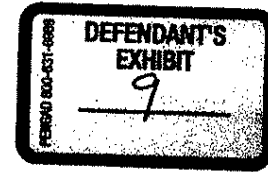
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P-000277

http://us.f386.mail.yahoo.com/ym/ShowLetter?MsgId=8848_2770743_7769_1588_2769_... 12/2/2006

Hollon, Ron Sr

From: Hollon, Ron Sr
Sent: Friday, June 30, 2006 6:35 AM
To: Ward, Michael
Cc: Hollon, Ron Sr
Subject: Wrongful Termination



Mr. Ward:

We as a company state that people make a difference, up until now I whole heartedly believed that.

I have been employed with this company for 25 years. I have worked as a clerk ten of those years, as a yardmaster ten more of those years, and as an Assistant and Terminal Trainmaster for the last five of those years. I have trained for every clerical position in Montgomery, Alabama. There were quite a few positions in those days, from operator, crew caller, demurrage, chief clerk, inbound, outbound (to name a few) to porter driver. I have worked every position as a yardmaster in this terminal. I have worked as an Assistant and Terminal Trainmaster here. I have trained on alot of positions on my own time, gone to meetings and even E-tested on my on time so I could do my job to the best of my ability. In the 25 Years that I have worked for this company there has been nothing on my record but a couple of recommendation letters from my Supervisors - J. Giles, and Larry Harper.

I was pulled out of service on June 7th in the middle of my vacation before CSX or FRA had a statement from me in writing. I was terminated as a company officer on June the 19th. This is my statement:

I was working Terminal Trainmaster position on memorial day weekend. We were short of Engineers in every direction and I did not have a remote qualified person to fill one of my first shift jobs. I didn't want to convert the job and take an engineer away from moving a train.

I talked to crew management on the M&M side to see if I might have a remote qualified person in the brakeman's board. I myself was looking at the same time as the crew caller to see if I might see a person that I thought had worked remote in the past. Mr. J. R. Week's name appears.

I knew he had worked remote for me in the past. I instructed the crew caller to call him and double check. The crew caller called me and stated that he was qualified but his remote card had not been signed. I asked him if the card was in date he stated yes and that it was good until 2007. I instructed him to give him the call and tell him we would have someone here to sign the card. I then called Road Foreman of Engines

T. J. Dean to give him a heads up. He told me to have Mr. Weeks give him a call when he showed up. When Mr. Weeks showed up for work

I gave him the message and he called Mr. Dean. Mr. Dean told him to tell me to sign the card and I replied that I was not for sure I could do that so then

in turn I called Mr. Dean back and at that time I was instructed to sign the card by the Road Foreman of Engines.

I was removed from service for forging an FRA Document. I didn't forge or deceptively hide anything I signed the card with the instruction and permission of the Road Foreman of Engines. Upon investigating with the FRA there is a 60 day wavier. The card would have had to be signed within 60 days from date he first worked remote again.

I hope you will investigate this matter and reinstate me as an officer. I know good and fair people make a difference.

Thanks
R. A. Hollon, Sr
182243

Hollon, Ron Sr

From: Whittington, Ivy
Sent: Monday, October 02, 2006 4:06 PM
To: Hollon, Ron Sr
Subject: EEOC Charge

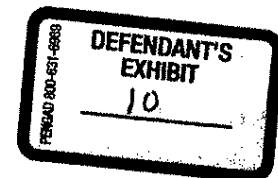
Dear Mr. Hollon:

You currently have pending an EEOC charge with the Birmingham District Office. This letter is to advise you that this charge was received before we received a letter from you concerning the same matter. Therefore, you should not expect a response from Mr. Ward's office since your complaint is being handled within our Human Resources department with the EEOC.

Should you have any questions or concerns regarding your case, please speak with the EEOC Investigator at the Birmingham office handling your case.

Thank you and have a safe day.

*Ivy Whittington
Manager, EEO & Diversity
CSX Transportation
500 Water Street
Jacksonville, FL 32202, J-400
(904) 366-4233*

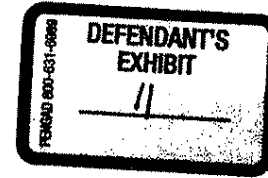


1/9/2007

P-000254

Hollon, Ron Sr

From: Hollon, Ron Sr
Sent: Sunday, July 30, 2006 11:19 PM
To: Dziwulski, Ken
Subject: FW: Wrongful Termination



-----Original Message-----

From: Hollon, Ron Sr
Sent: Friday, June 30, 2006 7:35 AM
To: Ward, Michael
Cc: Hollon, Ron Sr
Subject: Wrongful Termination

Mr. Ward:

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Thanks
R. A. Hollon, Sr
182243

Hollon, Ron Sr

From: Hollon, Ron Sr
Sent: Saturday, July 29, 2006 3:12 AM
To: Hamby, David
Subject: FW: Wrongful Termination

-----Original Message-----

From: Hollon, Ron Sr
Sent: Friday, June 30, 2006 7:35 AM
To: Ward, Michael
Cc: Hollon, Ron Sr
Subject: Wrongful Termination

Mr. Ward:

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Thanks
R. A. Hollon, Sr
182243

Hollon, Ron Sr

From: Hollon, Ron Sr
Sent: Friday, July 21, 2006 4:16 PM
To: Ingram, Tony
Subject: FW: Wrongful Termination

Mr. Ward:

We as a company state that people make a difference, up until now I whole heartedly believed that.

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Thanks
R. A. Hollon, Sr

182243

P-000334

Hollon, Ron Sr

From: Hollon, Ron Sr
Sent: Monday, August 07, 2006 6:44 PM
To: Ward, Michael
Subject: FW: Wrongful Termination

-----Original Message-----

From: Hollon, Ron Sr
Sent: Friday, June 30, 2006 6:35 AM
To: Ward, Michael
Cc: Hollon, Ron Sr
Subject: Wrongful Termination

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R. A. Hollon, Sr
182243

Ronald Alexander Hollon, Sr.
3974
2341 County Road 61
Deatsville, Alabama 36022
7818

SSN: 420-84-

DOB: 11/14/59

Telephone: 334-365-

OBJECTIVE To join a company that offers growth and development.

STRENGTHS

- * Works well under pressure
- * Career oriented
- * Highly motivated
- * Problem solver
- * Flexible
- * Fast Learner
- * Postive Attitude

EDUCATION

Marbury High School - Graduated 1978
Major: Math and science

Massey-Draughon Junior College - 1978 to 1979
Certificate in Accounting
Courses:

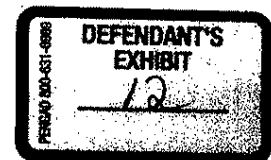
Auburn University at Montgomery - 1979 to 1984
Major :
Courses:

CSX Railroad - 1981
Data entry training

Trenholm Technical College - 1985 to 1986
Certificate in Emergency Medical Technician
Courses: Basic Life Support
Advanced Life Support
Drug Therapy

Troy State University at Montgomery - 1985 to 1986
Major:
Courses:

EXPERIENCE:



D-000028

5/2002 - 5/2003

Assistant Trainmaster

CSX Railroad, Montgomery, Alabama

Managing yard production and safety issues. Job briefing crews and Subordinator. Efficient testing and safety audit of employees.

Working

With power desk and merchants desk to help move train in a timely

Page 2

EXPERIENCE cont.

5/2003 - 6/2006

Terminal Trainmaster CSX Transportation, Montgomery, Alabama

Managing yard production and safety issues. Job briefing crews and Subordinators. Efficient testing and safety audit of employees. Working With power desk and merchants desk to help move train in a timely

11/1992 to 5/2002

Extra Board Yardmaster CSX Transportation, Montgomery, Alabama

Various duties from issuing switch list, calling trains, making sure local industries are worked, taling about the safety rule of the week with the yard crews, various other duties.

9/1986 to 5/1992

Data Entry Operator CSX Transportation, Montgomery, Alabama

Extra board floater - functioned in any needed capacity. Checked daily schedule to determine that all personnel were accounted for; if not contacted necessary personnel to fill the vacancy. Problem solver between customers and management, from customer car orders to placement and releases of equipment. Data entry - payroll of train and clerical personnel, input of data information into the computer from waybilling to input of location of freight cars. Kept logs on demurrage records on inbound and outbound shipments. Typed train orders, as the dispatcher dictated them over the radio, to give to outbound train crews. Key punched information from foreign waybills onto various formatted keypunch cards; waybilled for outbound shipments.

10/1984 to 9/1986

Firefighter II, EMT III City of Prattville, Prattville, Alabama

Answered fire and resuce calls. Cleaned facilities, trucks, and ambulances. Performed basic and advanced life support.

1/1982 to 8/1984

Data Entry Operator L&N Railroad, Montgomery, Alabama

D-000029

Extra board floater - functioned in any needed capacity. Checked daily schedule to determine tat all personnel were accounted for; if not contaced necessary personnel to fill the vacancy. Problem solver between customers and management, from customer car orders to placement and releases of equipment Data entry - payroll of train and clerical personnel, input of data information into the computer from waybiling to input of location of freight cars. Kept logs on demurrage records on inbound and outbound shipments. Typed train orders, as the dispatcher dicated them over the radio, to give to outbound train curews. Key punched information from foreign waybills onto various formatted keypunch cards; waybilled for outbound shipments.

Page 3
EXPERIENCE cont.

6/1981 to 12/1981

Data Entry Operator WofA Railroad,

Extra board floater - functioned in any needed capacity. Checked daily schedule to determine tat all personnel were accounted for; if not contaced necessary personnel to fill the vacancy. Problem solver between customers and management, from customer car orders to placement and releases of equipment Data entry - payroll of train and clerical personnel, input of data information into the computer from waybiling to input of location of freight cars. Kept logs on demurrage records on inbound and outbound shipments. Typed train orders, as the dispatcher dicated them over the radio, to give to outbound train curews. Key punched information from foreign waybills onto various formatted keypunch cards; waybilled for outbound shipments.

7/1979 to 8/1980

Accounting Clerk Maddox Transportation,

Billed invoices on outbound shipments for accounts receivable, and received payments and posted to accounts receivable. Completed payroll for clerical staff, the owners, and truck drivers. Reconciled monthly bank statements. Completed worksheet of accounts payable and receivable monthly for the CPA.

REFERENCES

Present Employer: CSX Transportation
1250 Louisville Street
Montgomery, Alabama 36104
Telephone: 334-241-9257 or 334-241-9230

D-000030

HOBBIES

Family time, running, volleyball, gardening, antiques, water sports, and Horseback riding.

(A)

1. The heaviest traffic subdivision that I have worked on would be Montgomery, Alabama. The traffic that comes into Montgomery comes from Atlanta, Birmingham, Thomasville, Selma, Mobile and an industry cut from Autauga Creek. I have worked as an extra board yardmaster for nearly five years.
2. Montgomery, Alabama is a three shift terminal in which I have worked nearly five years.
3. I am acquainted with the TCU and UTU agreements, L7N, WofA, AWP, and SCL. I have worked in the crew callers office when it was located in Montgomery, Alabama.
4. I have performed under the clerical and yardmaster crafts.
5. I have not had the experience of an on a road or yard assignment serving industries, but I have been responsible in making sure these industries were worked on a timely basis.
6. I am acquainted with some interchange traffic. Montgomery has a small southern cut which interchanges three days a week. We also have a cut which interchanges to and from the MBR at Myrtlewood, Alabama every day of the week.

(B)

1. Being a yardmaster I discuss with my yard crews the safety rule of the week, the conditions of the yard, what tracks (if any) or out of service, and what traffic will be coming in and leaving the yard.
2. The toughest problem I have encountered thus far would be cutting a shut down car for Colonial Bakery out of a train that was leaving the yard. The car was set out and was placed at industry that day, however the train made an hour ITD.
3. My philosophy for building a successful team would first be to show all crafts respect for their decision making and experience. Listen and respond to their suggestions. I also believe that as a team we all need credit for a job well done not just upper level management. We also need to let all crafts know that they have a secure job.


D-000031

4. My philosophy on safety would be in work or play safety is the only way.
5. I see managing as just getting by. Leading you are ahead of all others.
6. Six factors that would make CSXT the best:
 - (a) Lets make CSXT a family oriented company.
 - (b) Employee involvement in decision making and profit sharing.
 - (c) Training and educating our employees to be the best.
 - (d) Equipment to work with, power and eots. Shortages of these vital tools can back log trains and stagnate yards which delays service to our life support, the customer.

D-000032

Job Requisition Data.

Page 1 of 1

New Window | Help | Customize Page | **View Job Postings**

Job Title: Asst Mgr Customer Operations
Location: Jacksonville FL - Southpoint I
Reference #: 015882

Department Marketing Statement

CSX Transportation is the largest company in the CSX family employing 34,000 management and union employees. CSXT's primary focus is the operation, maintenance and management of the largest railroad in the eastern United States.

Responsibilities

Demonstrate a commitment to safety in daily work by conducting safety briefings, performing safety observations and ensuring that all employees perform their duties with safety in mind. Provide day-to-day coaching and direction for Customer Operations Representatives in a 24 x 7 environment. Facilitate the day-to-day processing of work orders (including OBWO), interchange reporting, TYMS inventory management, Car and Train reporting, and IIDS. Manage STEPS tasks and data summaries. Engage in the process of satisfying internal and external customer information needs. Conduct root cause analysis and engage in problem solving activities. Proactively monitor various data reports for accuracy and timeliness of information. Assist with planning and monitoring Customer Operations Representative staffing. Assist with delivering financial strength by increasing productivity and controlling costs.

Qualifications

An undergraduate degree or equivalent experience is preferred. Proficiency in various legacy systems is required. These systems include: Work Orders, Yard System, Car & Train, IIDS, and Interline Received. Candidate must also have working knowledge of STEPS, AEI Studio, OBWO and COPS. Applicant must be willing to work varied shifts, weekend, holidays and extended work schedule when required. Must possess ability to react quickly and communicate effectively, with solid interpersonal skills.

Who May Apply

Employees must complete one year in your current position before applying for a new position.

Conditions of Employment

This position will require working nights, weekends and holidays.

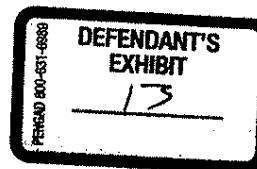
There is currently one vacant position however qualified applicants may be placed in a pool to fill future vacancies.

Closing Statement

At CSX, two of the company's core values are People Make The Difference and Safety Is A Way of Life. We are committed to offering our team members the most competitive compensation and benefits package available, unlimited opportunities for development and growth throughout an exciting and rewarding career, and the safest work environment possible.

As an equal opportunity employer, CSX encourages workforce diversity. It is the policy of CSX to afford equal employment opportunity to all individuals, regardless of their race, color, creed, religion, sex, national origin, age, marital status, military/veteran status, protected characteristics, or any non-job-related disability or medical condition.

[Return](#)



D-000018

Managing Requisitions

Page 1 of 2

New Window | Help | Customize Page | 7

View Job Postings

Job Title: Terminal Manager
Location: Montgomery AL - TOFC Ramp
Reference #: 015807

Department Marketing Statement

CSX Transportation is the largest company in the CSX family employing 34,000 management and union employees. CSXT's primary focus is the operation, maintenance and management of the largest railroad in the eastern United States.

Responsibilities

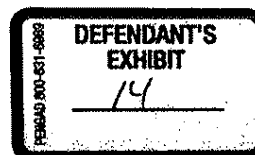
Analyze/forecast trends to recommend improvements in terminal performance, identify and plan for resource needs/disruptions (48+ hrs out), choose tools/processes to improve productivity and safety, lead KFAs for major incidents. **PRODUCTION:** Develop, plan and launch tools and processes, create medium and long-term resource plan for the terminal, manage and coordinate execution/implementation, provide decision-support in crisis situations and determine when to provide additional resources as needed to recover to plan, manage the maintenance of non-E&M physical plant at the terminal, coordinate with E&M to develop maintenance plans and approve curfew plans, review performance and identify areas for improvement, identify challenges in executing the operating plan, document them and propose solutions to Service Design and/or terminal personnel, own and resolve systemic service/performance issues relating to other units (e.g., Crew Mgmt, Loco Mgmt, E&M, Customer Svc, Intermodal, Network Ops). **SAFETY:** Develop, plan and launch tools and processes, identify and communicate high-risk safety issues requiring funding beyond the Terminal budget to the division Manager of Operating Practices and Safety, manage and coordinate execution/implementation, periodically accompany Trainmasters on observations to develop and improve effectiveness of their observations, drive and complete investigation of major incidents and injuries (KFAs), customize message for daily safety briefings to be delivered by Trainmasters, review performance and identify areas for improvement, create an action plan to address systemic safety issues in the Terminal and execute with the assistance of MOPS as needed, drive the identification and monitoring of at risk employees and accelerate through the exit process (follow up with T.M.), participate in quarterly safety review with Unions. **MANAGING PEOPLE:** Train, equip and certify people and materials, reward and discipline to create desired behavior, determine appropriate discipline for rules and safety infractions, promote and develop future leaders, coach, create development plans for, and evaluate the performance of Non-Contract personnel in the terminal, serve as primary contact for local representative and own local relations.

Qualifications

High School Diploma/GED required. Undergraduate degree in business or related field preferred. Applicant must have at least 5 years experience in the Transportation Dept (line of road; terminal). Prior supervisory/management experience. Must have good oral and written communication skills. Must be committed to safety, self-motivated and willing to work nights, weekends and holidays. Should be knowledgeable in accident and derailment investigations, and competent in operating rules and practices. Computer proficiency with MS Office Outlook, Word, Excel, and CSX Mainframe. Communication skills, understanding how to make trade-offs, skill balancing standing up for good process and meeting customer desires, consulting skills, coaching skills, composure, command skills and decision making skills.

REQUIRED CORE COMPETENCIES


Accountability
 Action oriented
 Customer Focus
 Integrity, Trust & Diversity
 Functional/technical agility
 Teamwork
 Strategic agility
 Drive for results
 Developing people
 Composure



D-000019

Job Requisition Data.

Page 1 of 2

New Window | Help | Customize Page | **Internal Posting Description****Job Title:** Trainmaster[View External Posting](#)**Location:** Pensacola FL**Reference #:** 016101**Department Marketing Statement**

CSX Transportation is the largest company in the CSX family employing 34,000 management and union employees. CSXT's primary focus is the operation, maintenance and management of the largest railroad in the eastern United States.

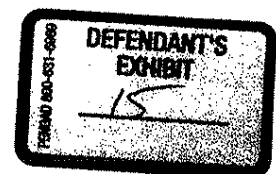
Responsibilities

Production: Develop, plan and launch tools and processes. Provide input to LOR Supt, Terminal Supt or Terminal Manager for medium/long-term resource planning. Manage and coordinate execution/implementation. Develop and communicate tactical plans to Dispatchers for managing the local resources in order to achieve the operating plan within budget. Resolve daily resource (power, crew) issues in order to stay on or recover to the operating plan. Proactively communicate service failures or customer problems to Customer Service and respond to service inquiries from Customer Service. Attend customer meetings with Commercial when: developing new relationships to define service requirements, addressing service performance issues for existing customers, and ensure customers utilize defined customer service processes for all other interactions with CSX, including orders, service changes, status checks, daily performance issues, etc. Serve as contact for local Connecting Lines. Plan, monitor and address any problems with local service delivery. Determine when to close-out incomplete trains. Review performance and identify areas for improvement. Daily monitoring of train crew performance and support of Chief Dispatcher in managing dispatchers; Perform regular O-Tests, document performance and submit data promptly and accurately. Ensure the accurate completion of work orders by conductors and Yardmasters to ensure proper tracking of work performed. **SAFETY:** Develop, plan and launch tools and processes: Deliver Safety Skills Seminars. Manage and coordinate execution/implementation. Perform safety observations, collect safety performance data and submit promptly and accurately. Communicate/execute safety plan detailed by the Safety committee and LOR Supt. Communicate work hazards and importance of safety to crews and dispatchers in safety briefings. Build relationships with assigned employees to encourage safety practices (FELT Leadership). Closely communicate with and report on at risk employees. Investigate minor incidents and injuries (KFAs). Resolve immediate, short-term hazards and safety issues within LOR territory; Review performance and identify areas for improvement. **MANAGING PEOPLE:** Train, equip and certify people and materials. Reward and discipline to create desired behaviors. Identify needs for discipline or reward/ recognition and communicate them to LOR Supt. Promote and develop future leaders. Coach crews to enhance their decision-making, efficiency and effectiveness.

Qualifications

Bachelor degree or equivalent experience. Must have proven leadership skills and terminal or operations experience. Must have proven safety record. Requires extensive knowledge in operating rules. Excellent oral and written communication skills required. Working knowledge of derailments and re-railing cars recommended. Must be able to endure long hours and be willing to accept calls 24 hours per day, 7 days per week. Position requires good computer skills (ability to use computers and job-related software).


REQUIRED COMPETENCIES: Motivating good performing team members to sustain their performance. Deal with unacceptable behavior by coaching individuals regarding their substandard performance when necessary. Hold team members accountable by communicating clear expectations on desired results and following up to ensure goals are attained. Communicate how the company vision and goals relate to the work team members perform daily. Be a true safety champion through leading by example in exemplary personal safety conduct, using the Safety Contact process to praise good safety performance and inform team members of any unsafe work habits, and absolutely refusing to allow team members to work unsafely.

Who May Apply

D-000021

Managing Requisitions

Page 1 of 2

New Window | Help | Customize Page | View Job Postings

Job Title: Asst Terminal Superintendent
Location: Atlanta GA - Marietta
Reference #: 016091

Department Marketing Statement

CSX Transportation is the largest company in the CSX family employing 34,000 management and union employees. CSXT's primary focus is the operation, maintenance and management of the largest railroad in the eastern United States.

Responsibilities

PRODUCTION: Develop, plan and launch tools and processes. Manage and coordinate execution/implementation. Provide decision-support in crisis situations occurring during night shifts and determine when to provide additional resources as needed to recover to plan. Review performance and identify areas for improvement. Identify challenges in executing the operating plan during night shifts, document them and propose solutions to Service Design and/or terminal personnel. Own and resolve systemic service/performance issues occurring night shifts relating to other units (e.g., Crew Mgmt, Loco Mgmt, E&M, Customer Svc, Intermodal, Network Ops).

SAFETY: Develop, plan and launch tools and processes. Manage and coordinate execution/implementation. Periodically accompany Trainmasters on observations to develop and improve effectiveness of their observations. Drive and complete investigation of major night shift incidents and injuries (KFAs). Customize message for nightly safety briefings to be delivered by Trainmasters Review performance and identify areas for improvement. Create an action plan to address systemic night time safety issues in the Terminal and execute with the assistance of MOPS as needed. Drive the identification and monitoring of at-risk night shift employees and accelerate through the exit process (follow up with T.M.). Participate in quarterly safety review with Unions.

PERSONNEL: Train, equip and certify people and materials. Reward and discipline to create desired behavior. Determine appropriate discipline for rules and safety infractions. Promote and develop future leaders. Coach, create development plans for, and evaluate the performance of night shift Non-Contract personnel in the terminal.

Qualifications

High School Diploma/GED required. Undergraduate degree in business or related field preferred. Applicant must have at least 5 years experience in the Transportation Dept (line of road; terminal). Must have good oral and written communication skills. Must be committed to safety, self-motivated and willing to work nights, weekends and holidays. Should be knowledgeable in accident and derailment investigations, and competent in operating rules and practices.

Who May Apply

Employees must complete one year in your current position before applying for a new position.

Conditions of Employment

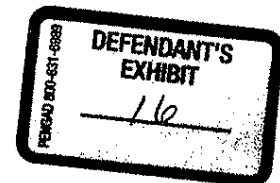
"Safety is a way of life at CSX. All candidates' safety records will be reviewed and considered when evaluating the candidate pool."

Applicants must submit resume to be considered.

Closing Statement

At CSX, two of the company's core values are People Make The Difference and Safety Is A Way of Life. We are committed to offering our team members the most competitive compensation and benefits package available, unlimited opportunities for development and growth throughout an exciting and rewarding career, and the safest work environment possible.

As an equal opportunity employer, CSX encourages workforce diversity. It is the policy of CSX to afford equal employment opportunity to all individuals, regardless of their race, color, creed, religion, sex, national origin, age, marital status, military/veteran status, protected characteristics, or any non-job-related disability or medical condition.



D-000020

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974; See Act 5. Do not before completing this form.

AGENCY

☐ FEP
☒ EEOC

CHARGE NUMBER

NAME (Indicate Mr., Ms., Mrs.) 420-84-3974
Mr. Ronald A. Hollon, Sr.HOME TELEPHONE (Include area code)
334-365-7818STREET ADDRESS CITY, STATE AND ZIP CODE
2341 County Rd. 61, Deatsville, AL 36022DATE OF BIRTH
11-14-59

NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (If more than one list below.)

NAME CSX Transportation
Inc.NUMBER OF EMPLOYEES, MEMBERS
at 500 employeesTELEPHONE (Include Area Code)
334-241-9297STREET ADDRESS CITY, STATE AND ZIP CODE
1250 Louisville St., Montgomery, AL 36104COUNTY
Montgomery

NAME

TELEPHONE NUMBER (Include Area Code)

STREET ADDRESS CITY, STATE AND ZIP CODE

COUNTY

CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es))

☐ RACE ☐ COLOR ☐ SEX ☐ RELIGION ☐ AGE
☐ RETALIATION ☐ NATIONAL ORIGIN ☐ DISABILITY ☒ OTHER (Specify)
retaliationDATE DISCRIMINATION TOOK PLACE
EARLIEST LATEST

April 2006 June 2006

☒ CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

RECEIVED
EEOC

JUN 20 2006

RECEIVED
EEOCDEFENDANT'S
EXHIBIT

17

Kathleen Sappell-McNeil
Notary Public
Alabama State of Song
My Comm. Exp. 03-05-2010

I have this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or telephone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

NOTARY - (If then necessary for State and Local Requirements)

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

I declare under penalty of perjury that the foregoing is true and correct.

Ronald A. Hollon, Sr.

Date 06/19/06 Charging Party (Signature)

SIGNATURE OF COMPLAINANT

Ronald A. Hollon, Sr.

SUBSCRIBED AND SWORN TO BEFORE ME ON THIS DATE
(DAY, MONTH, AND YEAR)

19th June 2006

Exhibit A

I, Ronald Alexander Hollon, Sr., am employed at CSX Transportation Inc. I believe I am a victim of age discrimination and retaliation as follows by my employer.

I have been employed by CSX Transportation Inc. (CSX) or a subsidiary since 1981. I have always been in good standing with the company and until June 2006 have not been subjected to any substantial disciplinary actions until this month, June 2006, when I was wrongfully taken out of service, with pay. I fear that my employer has a plan to take further and substantial disciplinary action against me in the near future, and this disciplinary scenario I believe is due to exercise of my protected activity when I have complained of, to fellow employees and to management, age discrimination in denial of several promotions prior to this recent disciplinary scenario.

In the interim in April, and May 2006, I had been improperly and illegally passed over in promotions due to my age, 46 years old. Younger, less qualified individuals were given promotions over me, first in April or May 2006 in Montgomery, Alabama for the position of terminal manager, in April, or May 2006 in Atlanta, Georgia for the position of Asst. Superintendent; in April or May 2006 for the position of Trainmaster; and finally in April or May 2006 for the position of Customer Service. All of said positions were denied me by the same supervisor except for the positions in Florida, however all positions that were denied me have a higher level supervisor who I believe was also involved in said denials of positions in Florida.

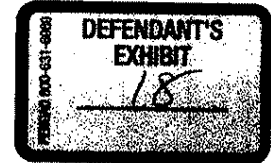
In the past my direct supervisor has addressed several younger simmerlarly situated employees stating that they had a "bright future" with the company whereas he then questioned how old I was, all at a time I had gray hair showing. In my most recent disciplinary scenario,

another co-worker, over forty years old, has also been wrongfully disciplined. All positions where I have been denied promotion went to individuals under forty, except one, and all were given to individuals younger than me.

In summary I have been discriminatorilly illegally denied promotions due to my age, over 40, and thereafter I have been subjected to retaliation and or threats of further retaliation. I have suffered lost wages, damages of mental anguish, incurred attorneys fees, etc. and seek promotion to a position equivalent to the prior position denied me, a position that is to be located in Montgomery, Alabama. Finally, I seek protection under the law from further or future retaliation.

RECEIVED
EEOC
JUN 20 2006
EFFECTIVE DATE: 06/20/06

**US Equal Employment Opportunity Commission
Birmingham District Office
Ridge Park Place- Suite 200
1130 22nd Street, South
Birmingham, Alabama 35205**



Ronald Alexander Hollon, Sr.,)	
)	
Charging Party,)	
v.)	Charge No. 420-2006-03422
)	
CSX Transportation, Inc.,)	
)	
Respondent.)	

Amended EEOC Charge

I, Ronald Alexander Hollon, Sr., hereby amend my EEOC Charge filed on or about June 20, 2006, by incorporating by reference my prior EEOC Charge, Charge No. 420-2006-03422, and further stating as follows:

That on June 19, 2006 my co-worker T.J. Dean, Road Foreman of Engines, and I who also was over 40 yrs. old, met with management, Mr. Rodney Workman, Division Manager and Mr. Jack Frost, Human Resources in Montgomery, Alabama.

On that date, said management personnel, as predicted by my original EEOC Charge, presented to them at said meeting, demoted me from my management position of Terminal Trainmaster, Montgomery, Alabama, to the position of Yardmaster. By said demotion, I took a cut in pay over twenty thousand plus dollars per year and over a fifteen thousand dollar bonus cut; all due to my demotion, which I hereby allege was my employer's retaliation against me for my exercising my protected activity in complaining about being passed over for better positions that were given to younger, less-qualified individuals.

My co-worker T.J. Dean was also similarly demoted in large part I believe due to his age,

over 40, and his association with me and my age discrimination complaints.

Neither Mr. Dean, nor I, had committed an infraction, if at all, that was great enough to justify said demotions, whereas in recent times other similar employees who were engaged in allegedly more severe incidents were neither terminated or demoted. Said undisciplined, or under disciplined, employees had not exercised protected activity and or they were over forty years old.

I believe further that my employer is motivated by economics and finances to keep and maintain a younger management workforce, under 40 years old, in that the employer often prevents management employees from contributing toward the CSX Pension Plan Retirement Manager Program when a manager employee is prematurely relieved or demoted from said management program before he can get vested and or reach the age of 55 or even younger.

I suffer, as stated, lost wages, lost bonuses, lost benefits including retirement, increased mental anguish, attorneys fees and costs, etc. and seek such relief as afforded by law.

Date: 08/14/06

Ron A. Hollon, Sr.
Ron A. Hollon, Sr.

EEOC Form 161-B (3/98)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

To: Ronald A. Hollon, Sr.
2341 County Road 61
Deatsville, AL 36022

From: Birmingham District Office - 420
Ridge Park Place
1130 22nd Street, South
Birmingham, AL 35205

☐ On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR § 1601.7(a))

Charge No.	EEOC Representative	Telephone No.
420-2006-03422	Julia Y. Hodge, Investigator	(205) 212-2147

(See also the additional information enclosed with this form.)

NOTICE TO THE PERSON AGGRIEVED:

Title VII of the Civil Rights Act of 1964 and/or the Americans with Disabilities Act (ADA): This is your Notice of Right to Sue, issued under Title VII and/or the ADA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII or the ADA must be filed in federal or state court **WITHIN 90 DAYS** of your receipt of this Notice or your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.)

- ☐ More than 180 days have passed since the filing of this charge.
- ☐ Less than 180 days have passed since the filing of this charge, but I have determined that it is unlikely that the EEOC will be able to complete its administrative processing within 180 days from the filing of the charge.
- ☐ The EEOC is terminating its processing of this charge.
- ☐ The EEOC will continue to process this charge.

Age Discrimination in Employment Act (ADEA): You may sue under the ADEA at any time from 60 days after the charge was filed until 90 days after you receive notice that we have completed action on the charge. In this regard, the paragraph marked below applies to your case:

- ☒ The EEOC is closing your case. Therefore, your lawsuit under the ADEA must be filed in federal or state court **WITHIN 90 DAYS** of your receipt of this Notice. Otherwise, your right to sue based on the above-numbered charge will be lost.
- ☐ The EEOC is continuing its handling of your ADEA case. However, if 60 days have passed since the filing of your charge, you may file suit in federal or state court under the ADEA at this time.

Equal Pay Act (EPA): You already have the right to sue under the EPA (filing an EEOC charge is not required.) EPA suits must be brought in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred **more than 2 years (3 years)** before you file suit may not be collectible.

If you file suit based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission

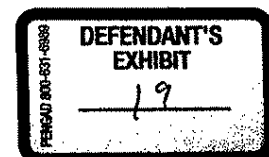
Beverly S. Hinton for
Bernice Williams-Kimbrough,
District Director

Enclosure(s)

10/30/06
(Date Mailed)

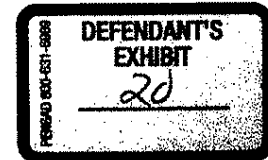
cc: Gary E. Atchison, Charging Party's Attorney
P. O. Box 2002
Montgomery, AL 36102-2002

Linda Massey, Respondent's Representative
CSX TRANSPORTATION
500 Water Street -J400
Jacksonville, FL 32202



SENIORITY ROSTER
AS OF JUNE 24, 2006
YMLN RE16
CSX TRANSPORTATION
REGION 16/BOYL/GADS/DECA/MONTG
REGION 16 YARDMASTERS

DISTRICT: NO. RE16
TITLE: REGION 16/BOYL/GADS/DECA/MONTG



COPY TO DISTRICT CHAIRMAN: _____

SIGNED: _____ DATE POSTED: _____

SEQ NO.	H E	ST	EMPLOYEE NUMBER NAME	SEN. DATE	PRNO	POSITION	LOCATION	PAY
1	OC	1180787	G W CUNNINGHA	011775	-	OFFICIAL		
2	OC	1140174	R D JACKSON	032875	-	OFFICIAL		
3	OC	2087617	R D JACKSON	032875	-	OFFICIAL		
4	RD	1157525	E W SMITH	012076	-	RETIRED DIS		
5	OC	1180758	S M PEARMAN	032978	-	OFFICIAL		
6	OC	1182493	J F NICHOLS	040178	-	OFFICIAL		
7	39	1181794	W H FISHER JR	100684	4A74-150	YARDMASTER	BIRMINGH	203.12
8	39	1181600	R L INGRAM	052485	4A74-YM1	YARDMASTER	BIRMINGH	
9	39	1178457	R M PUTMAN	061685	4N85-203	YARDMASTER	DECATUR	199.19
10	OC	1182057	J G FALKNER	101387	-	OFFICIAL		
11	42	1182233	H N HOLLEY	110489	4A79-101	YARDMASTER	MONTGOME	203.12
12	39	1182274	B COOK	070690	4A74-102	YARDMASTER	BIRMINGH	203.12
13	39	1182338	R J HICKS	031991	4A74-103	YARDMASTER	BIRMINGH	203.12
14	42	1193980	P A BUFORD	081092	4A79-301	YARDMASTER	MONTGOME	203.12
15	39	1180404	G W ROGERS	081192	4A74-302	YARDMASTER	BIRMINGH	203.12
16	40	1191812	O E WHITT	100192	4N85-101	GENERAL YAR	DECATUR	199.19
17	OC	1182243	R A HOLLON	112192	-	OFFICIAL		
18	39	1184772	W A THOMAS JR	112392	4A74-104	YARDMASTER	BIRMINGH	203.12
19	39	1320296	G P COYLE	010194	4A74-203	YARDMASTER	BIRMINGH	203.12
20	41	1181795	T C FRY	050594	4N85-YM1	YARDMASTER	DECATUR	
21	39	1184767	R M GANDY JR	050495	4A74-204	YARDMASTER	BIRMINGH	203.12
22	WP	1160958	J R JONES	080895	-	WORKING AT		
23	42	1182238	C L MOSELEY	073097	4A79-201	YARDMASTER	MONTGOME	203.12
24	39	1202016	B W HAMILTON	081798	4A74-YR4	YARDMASTER	BIRMINGH	
25	39	1202476	V SMITH	020499	4A74-YM2	YARDMASTER	BIRMINGH	
26		1240685	J A LOVELADY	060499	4A74-304	YARDMASTER	BIRMINGH	203.12
27		1239757	R D FRANKLIN	041501	4A74-YM3	YARDMASTER	BIRMINGH	
28	LA	1240247	L D FALKNER	052501	-	LEAVE OF AB		
29	OC	1239783	R R TAYLOR JR	091601	-	OFFICIAL		
30	EY	1192180	H R PICKARD	121001	-	EX YM UNASS		
31	H	1182244	B H DORMAN	062202	4A79-992	YARDMASTER	MONTGOME	197.16

P-000263

SEQ NO.	H E	ST	EMPLOYEE NUMBER	NAME	SEN. DATE	PRNO	POSITION	LOCATION	PAGE 2 PAY
32			1201706	D L ANDERSON	082302	4A74-303	YARDMASTER	BIRMINGH	203.12
33	OC		1202755	S L SCHOFFSTA	082402	-	OFFICIAL		
34			1201987	C J BENNETT	071304	4A74-992	YARDMASTER	BIRMINGH	197.16
35			1239825	D D WEBB	120904	4A74-992	YARDMASTER	BIRMINGH	197.16
36			1381968	R A SNAPP	072005	4A74-202	YARDMASTER	BIRMINGH	203.12
37			1653950	L J NEESE	090205	4A79-YR1	YARDMASTER	MONTGOME	3054.74
38			1535380	C G DAVIS	100305	4A79-992	YARDMASTER	MONTGOME	197.16
39	N		1574410	S S STEPHENS	999999	4A74-523	SUBSTITUTE	BIRMINGH	131.42
40	N		1573544	J L DAVIS	999999	4A74-524	SUBSTITUTE	BIRMINGH	146.77
41	N		1195419	K N SHARITT	999999	4A74-525	SUBSTITUTE	BIRMINGH	134.95
42	N	EY	1201776	G B SMITHSON	999999	-	EX YM UNASS		
43	N		1199259	D G FALKNER	999999	4A74-992	YARDMASTER	BIRMINGH	197.16

IF NOT DELIVERED IN 3 DAYS RETURN TO

MIKE HALE

SHERIFF OF JEFFERSON COUNTY

MELVIN BAILEY JUSTICE CENTER

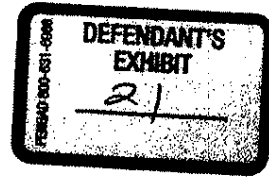
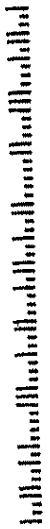
801 RICHARD ARRINGTON, JR. BLVD. N.
BIRMINGHAM, ALABAMA 35203



JONATHAN GEORGE CARNE
5717 CARRINGTON WAY
TRUSSVILLE AL 3



35173+2561-17 R011



P-000265

LAW OFFICES OF
REDDEN, MILLS & CLARK
940 FINANCIAL CENTER
505 TWENTIETH STREET NORTH
BIRMINGHAM, ALABAMA 35203

WILLIAM H. MILLS
WILLIAM N. CLARK
GERALD L. MILLER
STEPHEN W. SHAW
LAURA S. GIBSON
KEITH E. BRASHIER

TELEPHONE (205) 322-0457
FACSIMILE (205) 322-8481

OF COUNSEL
L. DREW REDDEN

June 27, 2006

Mr. Jonathan Carnes
5717 Carrington Way
Trussville, AL 35173

Re: State of Alabama v. Jonathan Carnes

Dear Mr. Carnes:

Your case is set for trial at 1:30 p.m. on Wednesday, July 19, 2006 before Judge Cahill on the 2nd floor of the Mel Bailey Criminal Justice Center. Mr. Clark has another case set for trial that day, so it is likely that your case will have to be continued to another date. However, keep July 19 open just in case. We will be in touch with you before that time.

Please contact me if you have any questions.

Very truly yours,

REDDEN, MILLS & CLARK



Keith E. Brashier

P-000266

MAJOR ALLEN FARLEY
Assistant Sheriff

MIKE HALE
Sheriff, Jefferson Cou
Melvin Bailey Justice Center * 801 N
Birmingham, Alabama 3520

JONATHAN GEORGE CARNES
5717 CARRINGTON WAY
TRUSSVILLE AL 35173

Warrant
Charge:
Amount

Dear JONATHAN GEORGE CARNES

A warrant for your arrest has been placed in ou

Rather than cause you the unnecessary embarrass
arrested, we prefer to give you this notice so
the Warrant Office at 801 21st St. N. Room 101,

hours of 8a.m. to 4p.m., Mon.-Fri. or at the Je
St. N., Birmingham, Al. after hours. You may a
make arrangements for bond beforehand. Bond in
Pretrial Release at 325-5716.

P-000268

JEFFERSON COUNTY SHERIFF'S DEPARTMENT

your case will be tried in the following court:

A- District Court, Second or Third Floor, Jefferson County Criminal Justice Center.

1. Call 325-5309 for date, time, and room.
2. You may **NOT** receive a notice.
3. Give your name and charge when you call.
4. It is your responsibility to be there on time.

B- Circuit Court, Fourth, Fifth, or Sixth Floor, Jefferson County Criminal Justice Center.

1. Call 325-5285 or 325-5286 for date, time, and room.
2. Give your name and charge when you call.
3. You will receive a notice, but it is your responsibility to be there on time.

Defendant is released on bond on the forementioned sum with the following conditions: (1) Appear to answer and submit to the orders and process of the Court having jurisdiction of the case; (2) Refrain from committing any criminal offense; (3) Not depart the State without leave of the Court; Promptly notify the Court of any change of address; (5) The defendant shall have no contact or communication, in any form, with the Complainant / Alleged Victim. In furtherance of this condition, Defendant shall not be in or upon the premises of the Complainant / Alleged Victim; and (6) the following conditions, if applicable:

(6:) _____

(7:) _____

(8:) _____

SHERIFF

MAJOR ALLEN FARLEY
Assistant Sheriff

MURRAY TANNER
Executive Assistant

MIKE HALE
Sheriff, Jefferson County
Melvin Bailey Justice Center * 801 North 21st Street *
Birmingham, Alabama 35203-0122

JUNE 16, 2006

JONATHAN GEORGE CARNES
5717 CARRINGTON WAY
TRUSSVILLE AL 35173

Warrant No. 487249 (01)
Charge: HARASSMENT
Amount of Bond: 500

Dear JONATHAN GEORGE CARNES

A warrant for your arrest has been placed in our office for the above charge

Rather than cause you the unnecessary embarrassment of being physically arrested, we prefer to give you this notice so that you may turn yourself in the Warrant Office at 801 21st St. N. Room 101, Birmingham, Al., between the

hours of 8a.m. to 4p.m., Mon.-Fri. or at the Jefferson County Jail at 809 21 St. N., Birmingham, Al. after hours. You may also want to contact an attorney to make arrangements for bond beforehand. Bond information is available through Pretrial Release at 325-5716.

Sincerely,

MIKE HALE
Sheriff

P-000267



CSX Rail Payroll Services, Inc

As the agent for

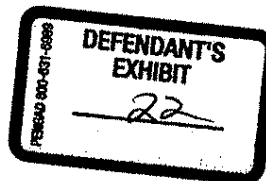
CSX Transportation, Inc

Your individual mainframe

user ID: D6931

Pay Group	M01	Check #:	3225618
Pay Begin Date	06/22/06		
Pay End Date	06/28/06	Check Date	07/03/06

Jason B Tipton 2853 LOST LAKES WAY POWDER SPRINGS GA 30127-6019		Employee ID: 199744 Department: Southern Region Location: Direct Deposit Job Title: Pay Rate: \$95,200.00 Annual		Tax Data: Federal State GA Marital Status: M M Allowances: 0 0 Addl. Pct.: Addl. Amt.:																																																																																					
HOURS AND EARNINGS				TAXES																																																																																					
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P-000300

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

RECEIVED

Ronald A. Hollon, Sr.,

Plaintiff,

v.

CSX Transportation, Inc.,

Defendant.

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2006 DEC 11 A 11:36

DEBRA P. HACKETT, CLK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

Civil Action No. 2:06-CV-1099-WKW

Jury Demand

COMPLAINT

Comes now Ronald A. Hollon, Sr. and files this complaint pursuant to the Age Discrimination in Employment Act, age discrimination and retaliation, and alleges as follows:

JURISDICTION AND VENUE

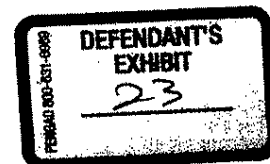
(1) This action arises under the Age Discrimination in Employment Act, 29 USC 621 et seq., for age discrimination and retaliation. Subject matter jurisdiction is proper for the United States District Court pursuant to 28 USC 1331.

(2) Venue is proper in the United States District Court for the Middle District of Alabama as most material events occurred within the Middle District of Alabama.

PARTIES

(3) Ronald A. Hollon, Sr., herein after "Hollon," is a male over nineteen (19) years old and is a resident of Autauga County, Alabama.

(4) Defendant CSX Transportation, Inc. is a railroad company doing business in the State of Alabama.



FACTS

(5) That during all times material Plaintiff Hollon was over forty (40) years old, date of birth November 14, 1959.

(6) That during all times material Plaintiff Hollon has been employed by Defendant CSX Transportation, Inc., hereafter "CSX," or a subsidiary thereof; all employment being since 1981.

(7) That Plaintiff Hollon had been in good standing with Defendant CSX until June 19, 2006, when he was wrongfully demoted and taken out of service from his position of Terminal Trainmaster, Montgomery, Alabama, and thereafter placed in the lower position of Yardmaster. By said demotion Plaintiff Hollon received an approximate twenty thousand dollars per year cut in pay, and he lost more than fifteen thousand dollars per year in bonuses.

(8) That said demotion by Defendant CSX of Plaintiff Hollon, from Terminal Trainmaster to Yardmaster, was an intentional act of age discrimination due to his age by Defendant CSX and or retaliation by Defendant CSX for Plaintiff Hollon's exercise of protected activity.

(9) That prior to said June 19, 2006, demotion Plaintiff Hollon had been improperly and illegally passed over during April and or May 2006 for positions of Trainmaster, Customer Service, etc. by Defendant CSX, and that Plaintiff was as well or better qualified for said positions than younger, under- 40- years- old employees who were placed in said positions by Defendant CSX.

(10) That Plaintiff Hollon prior to said demotion had engaged in protected activity by complaining to Defendant CSX about being passed over for said positions and not receiving said positions in April and or May 2006, by his orally complaining to Defendant CSX and by his subsequently submitting a proposed written EEOC Charge to Defendant CSX on June 19, 2006.

(11) That on June 19, 2006 Defendant CSX by and through its agents and or employees, accused Plaintiff Hollon of "forging," etc. another employee's name to a document which statement was a pretext for its action of demoting Plaintiff Hollon.

(12) That prior to June 19, 2006 Plaintiff Hollon had been authorized by a co-employee to sign said employee's name to said referenced document due to the fact that said employee was not able to be on the site to timely sign said document.

(13) That prior to Plaintiff Hollon's signing, for another employee, said referenced document as per said employee's instruction, Plaintiff Hollon had engaged in protected activity, regarding being passed over for said April and or May 2006 positions.

(14) That Defendant CSX has at all material times had a pattern and practice of intentional discrimination against older employees, over the age of forty (40) years old.

(15) That subsequent to June 19, 2006, Plaintiff Hollon has been further denied promotion to other higher level positions by Defendant CSX, and that he was as well or better qualified than the younger or under-40-year-old employees who received said positions.

(16) That Plaintiff Hollon has been denied promotions subsequent to June 19, 2006, due to age discrimination and or retaliation by Defendant CSX.

(17) That Defendant CSX has engaged in a pattern or practice of selectively ignoring major employment infractions of younger, or under- 40-year-old employees, and or those employees who have not engaged in protected activity, and Defendant CSX has failed to demote or terminate said employees for said major employment infractions of said employees.

(18) That Defendant CSX has in times subsequent to June 19, 2006, not terminated or demoted certain under-40-year-old employees, and or employees who had not engaged in protected activity for infractions that were as serious as the alleged infraction used by Defendant

CSX to demote Plaintiff Hollon.

(19) That as a result of the intentional acts and or omissions of Defendant CSX, as herein alleged, Plaintiff Hollon has lost wages, lost benefits including retirement, lost promotions, incurred mental anguish, attorneys fees, cost of litigation, etc.

(20) That Plaintiff Hollon has exhausted all required administrative legal remedies through the Equal Employment Opportunity Commission (Charge No. 420-2006-03422), has received a Right to Sue Letter, and timely has filed the instant action against Defendant CSX.

Count I

Age Discrimination

(21) That Plaintiff incorporates paragraphs one(1) through twenty (20) above.

(22) That through the intentional acts and or omissions of Defendant CSX, as herein alleged, Plaintiff Hollon has been a victim of age discrimination in violation of the Age Discrimination in Employment Act, 29 USC 621 et seq.

(23) That due to the intentional acts or omissions of Defendant CSX as herein alleged, Plaintiff Hollon has lost wages, lost benefits including retirement, lost promotions, incurred mental anguish, attorneys fees, cost of litigation, etc.

Wherefore Premises Considered Plaintiff Hollon prays that Defendant CSX be enjoined to place Plaintiff in said Trainmaster or equivalent position and that:

- (A) Plaintiff be awarded back pay and past benefits, including retirement, of the position;
- (B) Attorneys fees and costs; and
- (C) Plaintiff be awarded such other relief as allowed by law.

Count II

Retaliation

(24) That Plaintiff incorporates paragraphs one(1) through twenty (20) above.

(25) That through the intentional acts and or omissions of Defendant CSX, as herein alleged, Plaintiff Hollon has been a victim of retaliation in violation of the Age Discrimination in Employment Act, 29 USC 621 et seq.

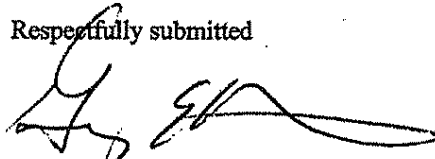
(26) That due to the intentional acts or omissions of Defendant CSX, as herein alleged, Plaintiff Hollon has lost wages, lost benefits including retirement, lost promotions, incurred mental anguish, attorneys fees, cost of litigation, etc.

Wherefore Premises Considered Plaintiff Hollon prays that Defendant CSX be enjoined to place Plaintiff in said Trainmaster or equivalent position and that:

- (A) Plaintiff be awarded back pay and past benefits, including retirement, of the position;
- (B) Attorneys fees and costs; and
- (C) Plaintiff be awarded such other relief as allowed by law.

Trial by Jury is hereby demanded.

Respectfully submitted



Gary E. Atchison (ATC004)
Attorney for
Plaintiff Ronald A. Hollon, Sr.

Of Counsel:
PO Box 2002
492 S. Court St.
Montgomery, AL 36102-2002
(334) 262-7232

Hollon, Ron Sr

From: Hollon, Ron Sr
Sent: Saturday, May 27, 2006 8:19 AM
To: Frulla, Bob Jr.; Frost, Jack Jr.; Averitte, Angie
Cc: Hollon, Ron Sr
Subject: PENSACOLA POSITION

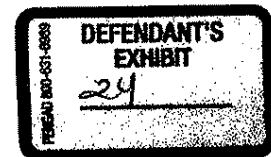
Mr. Frulla

While checking on my status, for the position in Pensacola, in the computer. It showed that I was in the interview stage but I was never interviewed. I just need a little help in understanding this if you can help me.

Thanks

R. A. Hollon
Terminal Trainmaster
Montgomery, AL

*Email sent about Pensacola pos.
I believe this is the same day of
the remote control*



Hollon, Ron Sr

From: Averitte, Angie
Sent: Saturday, May 27, 2006 11:06 AM
To: Hollon, Ron Sr
Subject: RE: MONTGOMERY AND ATLANTA POSITIONS

call me on the cell when you get a break...

-----Original Message-----

From: Hollon, Ron Sr
Sent: Saturday, May 27, 2006 9:16 AM
To: Workman, Rod; Frost, Jack Jr.; Averitte, Angie
Subject: MONTGOMERY AND ATLANTA POSITIONS

Mr. Workman:

I just need some understanding why I was not considered for the Montgomery or the Atlanta positions? How can I improve my chances of growing with this company?

Thanks
Ron

*Email sent to Mr. Workman
no reply*



P-000338

Copy of Transcript

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

Ronald A. Hollon, Sr.,

Plaintiff,

vs.

CSX Transportation, Inc.,

Defendant.

Civil Action No.:
2:06-CV-1099-WKW

DEPOSITION OF

TRAVIS MIKEL PENDERGRASS

October 29, 2007
2:00 p.m.

500 Water Street
Jacksonville, Florida

Richetta R. Brown, Court Reporter
and Notary Public in and for
the State of Florida at Large

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1740 Peachtree Street, NW
Atlanta, GA 30309

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2

APPEARANCES OF COUNSEL

On behalf of the Plaintiff:

GARY ATCHISON, Esquire (via telephone)

492 S Court Street

Montgomery, Alabama 36104

(334) 262-7232

On behalf of the Defendant:

WILLIAM C. BARKER, Esquire

Paul, Hastings, Janofsky & Walker, LLP

600 Peachtree Street, NE, Suite 2400

Atlanta, Georgia 30308-2222

(404) 815-2379

(404) 815-2424 (facsimile)

corybarker@paulhastings.com

ALSO PRESENT: Sarah Hall, Esquire

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DEPOSITION OF TRAVIS MIKEL PENDERGRASS

OCTOBER 29, 2007

MR. ATCHISON: My name is Gary Atchison. I'm an attorney for Ron Hollon and I'm appearing here today for him on his behalf involving the lawsuit that's styled Hollon v. CSX Transportation, Inc., okay. And who else is present?

MR. BARKER: The witness, Mike Pendergrass is here. This is Cory Barker for CSX Transportation and also present is Sara Hall who's legal counsel for CSX internally.

MR. ATCHISON: All right. Do you wish to be formal and call each other by our last names, or do you wish to call each other by the first name for this deposition? It doesn't matter with me either way.

MR. BARKER: Well, as long as we're on the record I think it would be -- I'd prefer it be formal.

MR. ATCHISON: Okay. All right, Mr. Barker. Of course, I'm Gary Atchison, the attorney and I'll be taking Mr. Pendergrass's deposition today. Is he present?

MR. BARKER: He is present.

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MR. ATCHISON: Okay. Could we get him sworn in.

TRAVIS MIKEL PENDERGRASS, having been first duly sworn, was examined and testified as follows:

THE WITNESS: Yes.

DIRECT EXAMINATION

BY-MR. ATCHISON:

Q. Okay. And, Mr. Pendergrass, you were present when we initially expressed who we are. Present with me also is Mr. Ron Hollon, Mr. Pendergrass.

A. Okay. Thank you.

Q. And my legal assistant, Douglas Smith. And we're taking your deposition today by telephone. I'm in Montgomery, Alabama in my office, and what is your location, sir?

A. I'm on the 6th floor of the CSX Transportation building.

Q. And what is that address, sir?

A. 500 Water Street.

Q. Jacksonville, Florida?

A. Yes, sir.

Q. Okay. And this is October the 29th, and we're starting approximately one o'clock my time; two

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1 o'clock your time?

2 A. Yes, sir. I've got 2:05 p.m. eastern
3 standard time.

4 Q. Okay, sir. Would you state for the
5 record your full, legal name.

6 A. Yes, sir. My name is Travis Mikel
7 M-i-k-e-l Pendergrass.

8 Q. Okay, sir. And what is your office
9 mailing address, sir? Is it the same address that
10 you're at?

11 A. Yes, sir.

12 Q. Okay. What is the zip code there, sir?

13 A. I don't know.

14 Q. Okay. Will you provide that to your
15 counsel so that we'll have that?

16 A. We sure will.

17 Q. All right. And what is your home
18 address, sir?

19 A. My home address is 101 Queens Way, Ponte
20 Vedra Beach, Florida.

21 Q. Okay. And if someone needed to reach
22 your office there, what would be your office address,
23 sir?

24 A. 500 Water Street.

25 Q. The same address that you're at right

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1 now?

2 A. Yes, sir.

3 Q. Okay. And I may have cut you off, but do
4 you have a zip code for your home address, sir?

5 A. 32082.

6 Q. Okay. All right, sir, do you understand
7 that you're here regarding a lawsuit that was filed
8 by Mr. Hollon --

9 A. Yes, sir.

10 Q. -- you're here as a witness? Okay. Are
11 you under any influence of any drugs or alcohol today
12 that may impair your judgment or your ability to
13 testify?

14 A. No, sir.

15 Q. Do you have any other disabilities or
16 difficulties that would impair your judgment or your
17 ability to testify today?

18 A. No, sir.

19 MR. ATCHISON: Okay. I did not ask, Mr.
20 Barker, but do we have the same stipulations for
21 this deposition as with Mr. Hollon's deposition?

22 MR. BARKER: Well, yeah, we have the
23 stipulations provided for by Rule 30. And he'd
24 also like to exercise his right to read and sign
25 the transcript.

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1 MR. ATCHISON: Fine. Okay. All right.
2 And that's something you can cover with the
3 court reporter.

4 Q. All right. Mr. Pendergrass, who are you
5 employed with, sir?

6 A. CSX Transportation.

7 Q. And what is your current capacity or
8 position with that employer?

9 A. I'm vice president of the Southern
10 Region.

11 Q. How long have you been VP or vice
12 president of the Southern Region?

13 A. I've been president of the Southern
14 Region since March of 2005.

15 Q. Okay. All right. Do you know Mr. Ron
16 Hollon?

17 A. Yes, sir.

18 Q. Okay. How long have you known
19 Mr. Hollon?

20 A. Off and on for, I know, the last six
21 years on several occasions.

22 Q. Have you been to Montgomery and seen
23 Mr. Hollon here?

24 A. Yes, sir, I believe I have.

25 Q. Okay. All right. And what was his last

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1 position that he held in Montgomery when you came
2 here?

3 A. He was one of our trainmasters in
4 Montgomery, Alabama.

5 Q. Okay. All right, sir. Let me back up
6 and talk about your background, if I could. You've
7 been the VP of the Southern Region since 2005,
8 correct?

9 A. Yes, sir, March of 2005.

10 Q. All right. And what does that position
11 entail?

12 A. I'm responsible for the transportation
13 operations on the southern half of our railroad.

14 Q. What does that mean?

15 A. I'm not sure I understand your question.

16 Q. What does that mean? Are you the head
17 person in the Southern Region and just report to,
18 say, the president?

19 A. I'm responsible for all the
20 transportation employees that work on the Southern
21 Region in the five southern divisions, Mr. Atchison,
22 and that's --

23 Q. And what southern divisions are those?
24 What is your geographic area that you're over?

25 A. I'm responsible for the Huntington

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1 division, the Nashville division, the Atlanta
2 division, the Florence division and the Jacksonville
3 division.

4 Q. Huntington is Huntington what, sir? What
5 state is that?

6 A. The city of Huntington is Huntington,
7 West Virginia. It incorporates several states.

8 Q. What are those, sir?

9 A. Well, the Huntington division operates
10 from Newport News over to Cincinnati.

11 Q. All right. Newport News is what? You
12 need to go with the states, if you could.

13 A. Newport News, Virginia.

14 Q. Okay.

15 A. To but not including Cincinnati, Ohio.

16 Q. Okay.

17 A. And it also has limited operations in
18 Kentucky, West Virginia, Pennsylvania and Tennessee
19 on that division.

20 Q. All right. And I think you said the
21 Nashville area. What states would that be, please,
22 sir, that you're over?

23 A. Well, the Nashville division operates
24 from Danville, Illinois down to but not including
25 Birmingham, Alabama. It operates to St. Louis and to

10

1 Washington, Indiana.

2 Q. Washington. That's a city in Indiana?

3 A. Yes, sir.

4 Q. Okay. All right. And then you said the
5 Atlanta division?

6 A. Yes, sir.

7 Q. And what areas -- what states would that
8 involve?

9 A. The Atlanta division operates in portions
10 of Georgia, Tennessee, Alabama, Mississippi, and
11 Louisiana.

12 Q. Okay. Would that be the division that
13 Ron would be reporting out of here in Montgomery?

14 A. Yes, sir, that's correct.

15 Q. Okay. The Florence, now, I'm not sure
16 what Florence that is. Is that Florence, Alabama
17 maybe?

18 A. No, that's Florence, South Carolina.

19 Q. Okay. I figured it was. Two of just the
20 same names, okay. And what states does that involve
21 or that division?

22 A. The Florence division has portions of
23 Virginia, North Carolina, South Carolina, if I didn't
24 say Georgia.

25 Q. Would it include portions?

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1 A. Portions of Georgia, yes, sir.

2 Q. Okay. Anything else?

3 A. Not off the top of my head.

4 Q. Okay. All right. And I think you said
5 the Jacksonville division, and I assume that's
6 Jacksonville, Florida. Maybe I'm wrong on that one,
7 too.

8 A. No, sir, that's Jacksonville, Florida is
9 the division headquarters.

10 Q. Okay. And what states would that be
11 involved in?

12 A. The Jacksonville division operates in
13 portion of Florida and Georgia.

14 Q. Okay. All right, sir. Now --

15 A. And Alabama.

16 Q. And Alabama, okay. I assume each one of
17 these divisions would have a manager that directly
18 reported to you that would head that division --

19 A. Yes, sir.

20 Q. -- am I correct about this? And who is
21 the manager that -- over the last several years has
22 reported to you in the Atlanta division?

23 A. Currently Gary Bethel. Prior to that it
24 was Rod Workman.

25 Q. When did Mr. Workman be replaced by Gary

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1 Bethel?

2 A. In early 2007, I believe.

3 Q. When you say early, could you give us a
4 month or a better time just than early?

5 A. I believe in January or February of this
6 year.

7 Q. Okay. What was the reason he was
8 replaced, sir?

9 A. Managerial realignment.

10 Q. And what caused that, sir? What caused
11 the need for managerial realignment? I'm not sure I
12 know what that is.

13 A. We shuffled a couple of division managers
14 on our railroad, and that was one of the positions
15 that we changed division managers on.

16 Q. Okay. What position is Mr. Rod Workman
17 working in now?

18 A. He's in our safety department.

19 Q. So he's not a division director?

20 A. Not currently, no, sir.

21 Q. Okay. Each of those divisions, the head
22 person over each division, are they called division
23 directors? I throw out that term, but is that the
24 correct term?

25 A. In transportation which is, I believe,

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1 the position you're talking about, they're called
2 division manager.

3 Q. Division managers, okay. So currently
4 Gary Bethel is the division manager over the Atlanta
5 division?

6 A. Yes, sir, that's correct.

7 Q. And formerly, just immediately before
8 him, was Rod Workman, correct --

9 A. Yes, sir.

10 Q. -- serving as division manager? How long
11 did Mr. Rod Workman have that position as division
12 manager over the Atlanta division?

13 A. Somewhere around March or April of 2005
14 until somewhere around the first of this year.

15 Q. Okay. Is Mr. Rod Workman making the same
16 salary or amount of money as he had in the division
17 manager position that he is now working in the safety
18 department making?

19 A. I do not know.

20 Q. Okay. Were you the one that made the
21 decision to change him from division manager to have
22 him placed in the safety department?

23 A. No, sir, not exclusively.

24 Q. Well, were you involved?

25 A. Yes, sir.

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1 Q. Okay. Does CSX consider that Rod Workman
2 had a lateral transfer? That is a transfer without
3 either an increase in status or pay or a decrease in
4 status or pay?

5 A. I am not certain what the band of his
6 current position.

7 Q. Okay. All right. Would you rely on what
8 he says in his deposition as to his status going from
9 one job to the other?

10 A. Well, yes, sir, I'm sure he knows.

11 Q. Okay. All right. Very good. When we
12 have him deposed we'll ask those questions to him.
13 All right. When you said that you were vice
14 president, I think you said vice president of the
15 Southern Region. You were over transportation
16 operations, correct, that's your basic job duties?

17 A. Yes, sir.

18 Q. And that involves making decisions
19 regarding CSX personnel that are working under you;
20 is that correct?

21 A. Yes, sir.

22 Q. Okay. Now, a person in a position that
23 Ron Hollon had been in, say, a year or two ago, if he
24 were to be demoted or terminated, would that decision
25 come to you?

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15

1 MR. BARKER: Object to the form.

2 Q. You can go ahead and answer.

3 A. Could I ask you to ask it again, please?

4 Q. If a person in a position of Ron Hollon
5 had been either terminated or demoted in the last
6 couple of years, would that decision ultimately come
7 to your desk for your involvement?

8 MR. BARKER: Same objection.

9 A. Yes, sir.

10 Q. And what would be your involvement, sir,
11 in your position of vice president of the Southern
12 Region?

13 A. That is my ultimate decision to make --
14 to act upon recommendations that come to my office.

15 Q. Okay. Now, I believe you have heard
16 about or probably even seen the lawsuit that Mr. Ron
17 Hollon filed against your company?

18 A. I have heard about it, yes, sir.

19 Q. Okay. And you understand that Mr. Hollon
20 is basically alleging that he's been a victim of age
21 discrimination?

22 A. All right, sir.

23 Q. And you understand that he's basically
24 complaining that he's been a victim of retaliation
25 for making statements of protective activity under

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1 the Age Act?

2 A. I don't really understand any of that
3 that you just said.

4 Q. Okay. Would you like me to repeat it?

5 A. If it's important for me to know, yes,
6 sir.

7 Q. Okay. Do you understand that in this
8 lawsuit that he's also alleging that he's been a
9 victim of retaliation for making statements
10 complaining about age discrimination?

11 A. Okay, sir, I was not aware of that.

12 Q. Okay. Do you understand that he filed
13 EEOC charges against CSX?

14 A. Yes, sir.

15 Q. Okay. Do understand that Mr. Workman saw
16 all of those EEO charges or drafted those EEOC
17 charges, I believe, on July -- excuse me -- June
18 19th, 2006?

19 A. All right, sir.

20 Q. You're aware of that?

21 A. You're telling me about it.

22 Q. Okay. But are you otherwise aware of
23 that?

24 A. Not those specific dates or the -- I've
25 never seen the actual document, to my knowledge.

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17

1 Q. Okay. All right. Well, let me ask you
2 this. CSX has an EEO policy, does it not?

3 A. Yes, sir.

4 Q. Okay. And you've had training as a
5 manager, have you not, that the CSX Railroad Company
6 has to follow federal laws?

7 A. Well, certainly.

8 Q. Okay. And among those federal laws are
9 federal laws that prohibit age discrimination?

10 A. Yes, sir.

11 Q. Okay. Prohibits the Railroad, CSX -- and
12 I'll call it the railroad sometimes in this
13 deposition -- but it prohibits the railroad from
14 discriminating against people who are over 40 years
15 old on the basis of their age, do you understand
16 that's the law?

17 MR. BARKER: Object to the form, calls
18 for a legal conclusion. You can answer it.

19 Q. Your understanding, sir. I know you're
20 not a lawyer.

21 A. Yes, sir.

22 Q. You understand that?

23 A. I believe so, yes, sir.

24 Q. And you had that understanding for
25 several years now, have you not?

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18

1 A. Yes, sir.

2 Q. Okay. Let me ask you this, when people
3 in management want to get promoted, what is the
4 system by -- whereby people are screened for
5 promotions when they go and apply for jobs? How does
6 that take place?

7 A. Could I get you to be a little more
8 specific? There are multiple ways that people are
9 identified for a promotion. Could I get you to
10 explain exactly what you're asking?

11 Q. Yes, sir. Okay. Let's do this.
12 Mr. Hollon applies for an assistant customer service
13 manager's position, okay, in Jacksonville, Florida.
14 That's where you are right now, right?

15 A. Yes, sir.

16 Q. Okay. And that position was up for
17 consideration -- I think the start date was 3/1/06.
18 And my question to you, sir, is, how did CSX make
19 evaluations of prospective applicants for that
20 position, if you know?

21 A. I do not know.

22 Q. Do you know how generally applicants are
23 screened for positions when they seek promotions?

24 A. Yes, sir, their performance is
25 reviewed --

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19

1 Q. Okay.

2 A. -- on their existing job.

3 Q. Okay.

4 A. And their evaluations are made in regard
5 to their educational background --

6 Q. Okay.

7 A. -- their diversity of their experience on
8 other positions on our railroad and other geographies
9 and their knowledge of our network, and what
10 particular skills they might bring to the job.

11 Q. Okay. All right. And I take it that
12 based on the EEO policy -- and I think that that's
13 been previously Exhibit 4 of a deposition taken of
14 Mr. Hollon. And that's basically for your attorney's
15 reference and mine later on. But based on that
16 policy and these decisions on promotion, CSX is not
17 going to discriminate against people based on their
18 age or religion or sex or gender, are they? That's a
19 policy of CSX not to discriminate, am I correct?

20 A. You're exactly correct.

21 Q. Okay. And if the evaluation system is
22 arbitrary and capricious, would that be in compliance
23 with CSX's goals so that they would not be
24 discriminatory in its decision of promotions?

25 MR. BARKER: Object to the form.

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1 Q. Do you understand the question, sir?

2 A. I really don't.

3 Q. Okay. Well, let's see if I can rephrase
4 it. The way you evaluate people for promotions -- I
5 think you talked about you look at their experience;
6 is that correct?

7 A. That is definitely a component, yes, sir.

8 Q. And you look at their education; is that
9 correct?

10 A. Yes, sir.

11 Q. And then there's the interview process;
12 is that correct?

13 A. In some cases.

14 Q. Okay. And then you total it up, the
15 scores of education, experience, and you come up with
16 a final score, am I correct?

17 A. No. You left out results in their
18 current position and you left out recommendations and
19 references from the people they work for and a number
20 of other things.

21 Q. Okay. All right. Well, there finally
22 would be a final score, would there not be after all
23 that's tallied?

24 A. You're talking about through the
25 interview process?

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21

1 Q. Yeah. From the final process each
2 applicant for a position to be promoted would get a
3 final score? Would he or she not get the final
4 score?

5 MR. BARKER: Object to the form.

6 A. The individuals that are interviewed are
7 ranked base on how they do in the interview.

8 Q. And is that a final score, sir? Is it a
9 score process, the ranking or rate, ranking?

10 A. I'm sure there's a scoring component to
11 it, yes, sir.

12 Q. Okay. And I assume the higher the score
13 the better the rating or ranking would be?

14 A. Well, definitely the higher ranking it
15 would be, yes, sir.

16 Q. Okay. And if after interviewing several
17 people, the highest rated person or ranked person
18 most likely would get the job? Would he or she not
19 get the job?

20 A. The highest ranked person in the
21 interview would most likely be the recommendation
22 from an interview panel. They might or might not get
23 the job, depending upon various other criteria, who
24 we had available for the position.

25 Q. And what would overrule the highest

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1 ranking? What would be the other things that would
2 make a person who is highest rated or ranked
3 rejected?

4 A. A person with more ability, more success,
5 more aptitude that was in another position that we
6 needed to broaden their network expertise.

7 Q. Would that be a person within the pool of
8 those who are ranked and rated or a person outside
9 the pool?

10 A. I would say it would be outside of the
11 pool, generally speaking.

12 Q. Okay. All right. So assuming all things
13 equal, if all applicants that we talk about are rated
14 or ranked and given the score, then most likely the
15 highest rated or ranked person, based on the scoring
16 of this interview process, would get a position, am I
17 correct?

18 A. They would get the recommendation from
19 that panel, but they would not necessarily get the
20 job.

21 Q. All right. Why wouldn't they necessarily
22 get the job?

23 A. Because the pool might not be the best
24 qualified people for the position.

25 Q. Okay. Well, assuming that the person or

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1 the -- the person who got the job is in the pool,
2 that wouldn't be applicable, right? In other words,
3 let's assume the pool had everybody that was
4 considered. So that would not be an issue, okay, in
5 my hypothetical okay. Why additionally would
6 somebody with a lower score within the pool get a
7 position given to them?

8 MR. BARKER: Object to the form.

9 A. I would really need to see the specifics
10 of what you're talking about to try to understand.
11 There's multiple reasons why people are selected for
12 jobs. Their geographical experience, where they've
13 been. They've worked multiple locations where they
14 were trying to broaden their development, a number of
15 things.

16 Q. Okay. Well, that would be all part of
17 the interview process in the rating or ranking
18 process, would it not? Would not all that be part of
19 the process? It would come out in the ratings or
20 rankings?

21 A. Well, if your ratings and rankings are --
22 I'd have to see this -- you're really asking a
23 general question here that I've never seen.

24 Q. Okay. All right. That's fair. All
25 right. Now, who was the division manager over

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1 Jacksonville, Florida in 2006?

2 A. Bob Frulla.

3 Q. And regarding the assistant customer
4 service manager's position in 2006, he would have
5 brought a recommendation to you and you would have
6 either upped or downed the recommendation for the
7 position of assistant customer service manager
8 promotion?

9 A. No, sir.

10 Q. How would that have happened then, sir?

11 A. I would have had nothing to do with that
12 position. It's not inside my --

13 Q. Been totally in his hands?

14 A. No, sir, it's not in his authority --
15 under his position of authority either.

16 Q. Whose authority would it be under?

17 A. That's in our customer service center.
18 It's run by Vice President Shelly Cooper.

19 Q. Where is Shelly Cooper?

20 A. She's headquartered in Jacksonville,
21 Florida.

22 Q. All right. Is she over just the
23 Jacksonville, Florida area, or does she involve
24 herself with decisions regarding promotions in other
25 areas such as Atlanta and Pensacola and Montgomery?

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1 A. She is in charge of the customer service
2 center where I believe the position you're talking
3 about reports.

4 Q. Well, let's go down to another position.
5 A terminal manager position. I think Mr. Jason
6 Tipton got that job in Montgomery, Alabama in the
7 last couple of years. Who would be the person who
8 would be in management over making that decision for
9 promotion that Mr. Tipton received his position?

10 A. I would be.

11 Q. You would be? Okay. All right. And how
12 about the assistant superintendent position in the
13 last couple of years that was in Atlanta, Georgia,
14 who would be over that position?

15 A. The assistant division or the assistant
16 terminal superintendent position.

17 Q. The assistant superintendent -- terminal
18 superintendent.

19 A. Which one, sir.

20 Q. In Atlanta, Georgia?

21 A. The assistant terminal superintendent in
22 Atlanta, Georgia?

23 Q. Yes, sir.

24 A. That would be -- I would make those
25 ultimate decisions.

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1 Q. That would be you, right?

2 A. Yes, sir.

3 Q. And how about trainmaster, Pensacola,
4 Florida?

5 A. Ultimately me.

6 Q. All right. Do you know who the assistant
7 terminal superintendent, who was awarded that
8 position in the last couple of years?

9 A. Yes, sir.

10 Q. Who was that, sir?

11 A. Terry. I'm drawing a blank right now but
12 I know him.

13 Q. Terry. What's his age, sir?

14 A. I really don't know.

15 Q. Do you know Mr. Hollon's age?

16 A. No, sir, I really don't.

17 Q. Don't really know. You're -- you have
18 access to records that show the ages of each of these
19 employees, don't you?

20 A. I can request that information from our
21 HR department.

22 Q. CSX maintains an HR department, that's
23 human resources department, the age, date of birth of
24 each of your employers, right?

25 A. I believe it's -- yes, sir.

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1 Q. Okay. And it's readily available to you
2 as a manager and to other managers, am I correct?

3 MR. BARKER: Object to the form.

4 A. I don't know how readily available it is.
5 I don't have access to a system that I can pull up
6 and see anyone's age. I can -- you asked me
7 specifically if I could find out about these two
8 individuals, and, yes, I could.

9 Q. Okay. You certainly could have found Mr.
10 Hollon's age in the last several years, couldn't you?

11 A. If I needed to know it I could call our
12 HR department and ask them to furnish me that
13 information, yes, sir.

14 Q. Why would somebody in your railroad with
15 an ongoing employee want to know the age of an
16 employee?

17 MR. BARKER: Object to the form.

18 Q. Do you see a need for that, sir?

19 A. No, not particularly. I think it's
20 always -- I think it's -- I mean, we all talk about
21 our age in our -- and different things, but I don't
22 have a particular need to know anybody's age.

23 Q. When you say we all talk about our age,
24 I'm assuming you're reflecting on yourself. You talk
25 about your age?

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1 A. Oh, sure.

2 MR. BARKER: I'd like to object. You
3 actually didn't -- obviously didn't state the
4 facts correct. He said he talks about his age.

5 Q. I understand. What is your age, sir?
6 What is your date of birth and age?

7 A. I'm 54 years old. I was born April the
8 1st, 1953.

9 Q. Okay. All right. And other than
10 discussing your age, have you had the occasion to ask
11 other employees from CSX their age?

12 A. I'm sure I have.

13 Q. Why, sir?

14 A. Just in conversation.

15 Q. What was your motivation, sir?

16 A. I really didn't have any motivation.
17 It's generally just a conversation.

18 Q. To your knowledge, has CSX had other EEOC
19 charges brought against it because of age
20 discrimination complaints or complaints about
21 retaliation regarding age issues?

22 A. I've had none brought to my attention.

23 Q. Okay. You don't know of any?

24 A. No, sir.

25 Q. Okay. What is the age of Mr. Jason

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1 Tipton, do you know?

2 A. No, sir.

3 Q. Would you agree that he would be under
4 40?

5 A. I'll be honest with you, Mr. Atchison,
6 I'm not trying to be evasive. I just don't know
7 what -- how old Jason is.

8 Q. I believe in the assistant customer
9 service manager position that Timothy Grayson got and
10 Alfred Odom got, they're both younger gentlemen than
11 Mr. Hollon, wouldn't you agree?

12 A. I don't believe I know the two
13 individuals you just mentioned.

14 Q. Okay. All right. Well, you talked about
15 in the assistant terminal superintendent's position
16 in Atlanta, Georgia that Terry blank got. You don't
17 know his last name.

18 A. I can't recall it. I can -- I mean, I
19 can get it real quick if it matters. Does it matter?
20 Okay.

21 Q. Yeah, it does matter. I'd like to have
22 his name, if you can remember it, or look at
23 something to help you recall.

24 A. Could I get your permission to step out
25 of the room?

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1 Q. Oh, yes.

2 MR. BARKER: We're not -- he's supposed
3 to testify about his personal knowledge. He's
4 not supposed to go research documents for you in
5 the middle of this deposition.

6 MR. ATCHISON: If he's just offering. I
7 don't have a problem if he offers. Now, if you
8 tell him he can't do it, that's -- you know,
9 that's up to you.

10 MR. BARKER: No, this deposition is about
11 his personal knowledge.

12 MR. ATCHISON: Okay. Well, I'd like for
13 him to see if he can find it so he can amend
14 this so that we can have his name.

15 MR. BARKER: Well, I'm sure that you have
16 access to documents that would have his name on
17 it right in front of you, so...

18 MR. ATCHISON: Okay. Thank you very
19 much.

20 BY MR. ATCHISON:

21 Q. Now, Mr. Pendergrass, do you know who got
22 the trainmaster's position in Pensacola, Florida?
23 And I think you said that you were involved in that
24 decision.

25 A. Yes, sir. It's open right this second.

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1 We haven't filled the job right this second, but the
2 person that just vacated it was Bill Setzer.

3 Q. Bill Setzer. Okay. How long did Bill
4 Setzer have a job?

5 A. I don't recall. Somewhere around a year.

6 Q. Do you know why he vacated it?

7 A. He was promoted to a position in another
8 part of our railroad.

9 Q. Has the newly opened position of
10 trainmaster been reposted?

11 A. I am not certain if we reposted it or if
12 we're filling it through direct placement.

13 Q. Okay. All right. Now, do you understand
14 that Mr. Hollon was accused of being involved --
15 being involved in an incident regarding an FRA
16 document in May of 2006?

17 A. Yes, sir. I don't recall a specific
18 date, but I remember the incident.

19 Q. Okay. What do you recall about the
20 incident?

21 A. I recall that there was an employee
22 called to work a job that didn't believe he was --
23 his RCO certification was in date.

24 Q. What is RCO, please?

25 A. Remote control operator.

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1 Q. Okay. And do you remember his name?

2 A. No, sir, I don't.

3 Q. Okay. And what else happened?

4 A. Well, Mr. Hollon and the Road Foreman of
5 Engine Dean, discussed the situation and Mr.
6 Hollon -- going right to the chase -- Mr. Hollon
7 signed Mr. Dean's name to the card indicating that he
8 had been certified.

9 Q. What card are we talking about, sir, if
10 you can tell the court?

11 A. The RCO operator's certification card.

12 Q. Okay. Is that a document that's a -- a
13 document required by the federal government?

14 A. Yes, sir, I believe so.

15 Q. Okay. And did you participate in the
16 demotion of Mr. Hollon due to this alleged incident?

17 A. Yes, sir, I made the determination to
18 demote Mr. Hollon and Mr. Dean.

19 Q. Okay. And what is the FRA? What is that
20 acronym?

21 A. Federal Railroad Administration.

22 Q. And that document was an FRA document,
23 correct?

24 A. I believe that's the case.

25 Q. Okay. Do you have a secretary or an

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1 administrative assistant?

2 A. Yes, sir.

3 Q. Okay. Have you, from time to time,
4 instructed him or her to sign your name to documents
5 and letters?

6 A. Documents and letters, yes, sir.

7 Q. Okay. Has CSX ever tried to terminate or
8 demote you because of that?

9 A. No, sir, they have not.

10 Q. Okay. All right. And you don't -- you
11 didn't see anything fraudulent when you asked your
12 secretary or administrative assistant to sign
13 documents for you, do you?

14 A. I never asked them to sign anything that
15 hadn't occurred.

16 Q. That had not occurred?

17 A. Yes, sir. That certified something had
18 occurred that hadn't.

19 Q. Okay. Are you saying that something had
20 not occurred when Mr. Hollon signed upon a request
21 from Mr. Dean the FRA document, the document we're
22 talking about of May 2006?

23 A. I'm saying that the -- my understanding
24 is is that the signature indicated that a
25 certification ride had been made that wasn't.

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1 Q. A certification, what now, sir --

2 A. Qualification had been done at the time
3 that wasn't done.

4 Q. Okay. And it's your understanding that
5 it wasn't done?

6 A. Not at the time it was signed.

7 Q. Okay. Was there an investigation by the
8 FRA about this matter?

9 A. I think the FRA -- my recollection is is
10 that the FRA was made aware of the situation. I'm
11 not sure of any FRA investigation, per se.

12 Q. Did the FRA make a finding that there was
13 no known violation in this matter?

14 A. With regard to federal law I believe
15 that's -- that's -- I believe my understanding is
16 that there was no violation of federal law because we
17 have a grace period.

18 Q. Right. So the FRA found nothing wrong
19 with what Mr. Hollon had done; is that correct?

20 MR. BARKER: Object to the form. You can
21 answer.

22 A. I don't believe that's accurate at all.
23 I believe that everybody realized that Mr. Hollon
24 should not have signed the card indicating that
25 something had been done that had not been done. I

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1 believe Mr. Hollon and Mr. Dean both acknowledged
2 that.

3 Q. I'm looking at a document, sir, that was
4 previously marked as number -- Exhibit No. 8 and
5 attached to Mr. Hollon's deposition. I'm going to
6 read from part of it. And it says, quote, after
7 review of the circumstances and events on that date,
8 FRA determined that CSX was not in violation of
9 federal regulations governing remote control
10 operations. FRA has allowed CSX a 60-day grace
11 period for an RCO that has not had a check ride for
12 the previous year which allows an RCO to operate for
13 such -- as such for 60 days prior to the completion
14 of the check ride, end quote.

15 A. Yes, sir.

16 Q. Do you disagree with that finding or that
17 statement, sir?

18 A. Well, I'm not going to disagree with that
19 statement. That statement is pretty clear.

20 Q. And that statement was from Patrick Plumb
21 of -- at dot gov. Do you know who that is, sir?

22 A. No, sir, I don't.

23 Q. Okay. If we represent that he was an FRA
24 person in the bureaucracy of the FRA making that
25 statement, would you have anything to dispute that

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1 statement of that disposition?

2 A. I don't have anything to refute or to
3 acknowledge.

4 Q. Okay. All right. Now, you've expressed
5 that you're vice president and have been for the last
6 several years. I think you said since 2005. Who do
7 you report to, sir?

8 A. I report to David Brown.

9 Q. All right. And what is his position?

10 A. He's vice president and chief
11 transportation officer.

12 Q. So a vice president reports to another
13 vice president?

14 A. The chief transportation officer, yes,
15 sir.

16 Q. That's pretty confusing. I'm sorry. Who
17 is the president of the company, do you know, sir?

18 A. I don't think we have the president
19 position right this second. We've got chairman and
20 CEO, but I'm not sure about the president.

21 Q. Okay. And who is the CEO?

22 A. Mr. Michael Ward.

23 Q. Michael Ward. Who is between you and
24 Michael Ward in the line of progression up that
25 ladder?

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1 A. Well, in the area of transportation,
2 there's my boss, David Brown.

3 Q. Okay.

4 A. His boss, Mr. Tony Ingram.

5 Q. What is his position?

6 A. Executive vice president of operations, I
7 believe, is Mr. Ingram's title.

8 Q. Okay. Who else?

9 A. And he reports to Mr. Ward.

10 Q. Okay. Did you ever get any e-mails,
11 telephone calls, letters, in-person communication or
12 otherwise from Mr. Ward, the CEO, about any
13 complaints that Ron Hollon made regarding his
14 employment there at CSX?

15 A. Not that I can remember any substance to.
16 I don't recall anything.

17 Q. Okay. After, say, July 30th of 2006, to
18 refresh you, do you know if anyone from Mr. Michael
19 Ward's office or anybody that was instructed by him
20 to contact you -- contacted you regarding Ron Hollon?

21 A. No, sir, not to my knowledge.

22 Q. You don't remember. Okay. Would you
23 find it strange that several positions that employees
24 apply for and get highly ranked are positions in
25 which women are passed over that are highest ranked?

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1 Would you find that to be strange?

2 MR. BARKER: Object to the form.

3 A. I'd find that -- if I'm understanding
4 your question correctly, I believe I'd find that very
5 strange.

6 Q. Okay. And would you look into such a
7 matter as being arbitrary and capricious or just
8 something that would catch your attention?

9 MR. BARKER: Object to the form.

10 A. If the complaint came to me, I would turn
11 it over to our HR department for review.

12 Q. Okay. All right. If somebody doesn't
13 get interviewed for a position, is there any sort of
14 explanation given to him or her when they apply for a
15 position?

16 A. I don't believe there's a formal process
17 for that. I'm sure there are instances where
18 people -- or that might know someone who's on the
19 panel or whatever is talked to about it or knows --
20 and asks someone about it informally, but I don't
21 believe there's a process for it.

22 Q. Mr. Workman, when he was taken off the
23 position of district manager in the Atlanta division,
24 had he had any disciplinary actions against him
25 before that decision to take him off of that

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1 position?

2 A. No disciplinary actions to my knowledge
3 had been taken against Rod Workman.

4 Q. Were there any threats of disciplinary
5 actions?

6 A. None to my knowledge.

7 Q. Okay. In several of the years there's
8 been several scenarios or instances that we're
9 interested in. Do you recall an instance involving
10 Alan Snapp, a terminal manager in Mobile where it's
11 alleged there were payroll accounts that were
12 falsified?

13 A. There -- to my knowledge there were no
14 allegations of payroll being falsified.

15 Q. Okay. Do you recall an incident
16 involving Alan Snapp?

17 A. I've known Alan Snapp for 18 years. Yes,
18 sir, there's been lots of incidents with Alan Snapp.

19 Q. And what -- in the last couple of years,
20 what incidences do you recall involving him that were
21 disciplinary in nature?

22 A. Well, disciplinary in nature, I only
23 remember one..

24 Q. Which is?

25 A. His demotion from his position as

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terminal manager of Mobile.

Q. Why was he demoted, sir?

A. Because he had allowed early quits to occur within his terminal.

Q. He allowed what, sir?

A. Early quits, jobs to leave prior to completion of their tour of duty.

Q. Okay. In other words, let's see if I understand you. Say, I'm due to work till five o'clock and I leave at four o'clock, is that the type of situation you were just talking about?

A. Yes, sir.

Q. Okay. Early quits. And that means you're actually leaving from the work site earlier than you're required to stay there, right?

A. They leave the work site while they're still under pay.

Q. Under pay. And do you know what type of documentation was involving that demotion? Did Mr. Snapp have any documents showing that they had stayed there the full time, but indeed they had not? Was that the scenario that involved his demotion?

A. What involved his demotion, Mr. Atchison, one more time. You didn't let me finish a minute ago. There were two --

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1 Q. I'm sorry. And please tell me if I don't
2 because I may cut you off.

3 A. There were two things that led to
4 Mr. Snapp's demotion. One was the not curtailing
5 jobs from leaving duty prior to completion of their
6 shift, early quits, and the other was allowing -- not
7 determining that these jobs were shown off in the
8 computer as to having left at the completion of their
9 tour of duty.

10 Q. Okay. And the computer is a form of
11 documentation at CSX, is it not, computer entries?

12 A. Our train and engine service employees
13 register their time via the computer.

14 Q. And that would be a form of
15 documentation?

16 A. Yes, sir.

17 Q. Just another form -- a computerized form
18 of documentation. And so in other words, it appeared
19 on the computer documentation that these employees
20 had stayed their full shifts; is that correct?

21 A. Yes, sir.

22 Q. Whereas they had really not, in all
23 actuality, stayed their full shifts, am I correct?

24 A. Yes, sir, there were cases of that.

25 Q. Okay. And would that be a violation of

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1 CSX's policy, sir?

2 A. Yes, sir.

3 Q. And what violation would that be? How
4 would that come under a violation?

5 A. You're talking about for the jobs or are
6 you're talking about for Mr. Snapp?

7 Q. For Mr. Snapp, sir. He was the one that
8 was demoted.

9 A. Mr. Snapp was responsible for knowing
10 when his crews went on and off duty and he was
11 responsible for seeing to it that they properly
12 reflected that time on and off duty via the computer.
13 He did neither.

14 Q. And who made the entries showing that
15 they had worked there the whole time whereas they
16 really had not? Was it the employees or Mr. Snapp?

17 A. Neither. In the cases we're talking
18 about, other crew members on other jobs showed the
19 people off duty when they got there.

20 Q. Okay. But Mr. Snapp knew that those
21 entries were incorrect as far as your findings went;
22 is that correct?

23 A. My findings were that he should have
24 known that the jobs were leaving early and the fact
25 that he should have known that they were leaving

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1 early, he should have known that the times shown in
2 the computer were not accurate.

3 Q. Okay. Was Trainmaster Ray Billingsley
4 involved in this matter?

5 A. Trainmaster Ray Billingsley was a
6 trainmaster that worked for Mr. Snapp at the time,
7 but to my knowledge, Mr. Snapp was the senior and
8 accountable manager for the Mobile terminal, and he
9 was the one that I held accountable.

10 Q. At the time of his demotion, was he, Mr.
11 Snapp, over 40 years old?

12 A. Yes, sir.

13 Q. How did you know that?

14 A. Because I've known him for 18 or 19
15 years.

16 Q. Okay. And was Mr. Ray Billingsley
17 demoted or disciplined regarding this matter?

18 A. Mr. Billingsley and the other managers
19 that were there were counseled about the importance
20 of people reporting their time correctly and the
21 manager's responsibility to make certain that it was
22 done. But being as how Mr. Billingsley and the other
23 managers at Mobile worked for Mr. Snapp, the ultimate
24 person accountable was Mr. Snapp. But all the
25 managers at Mobile were talked to about the incident

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1 and all of them were made aware of the decisions that
2 were made that had been incorrect.

3 Q. Was Mr. Ray Billingsley over 40 or under
4 40 at the time of this incident?

5 A. I'm not sure right now today how old Mr.
6 Billingsley is or how old he was at the time of the
7 incident.

8 Q. Okay. What about Gary Jackson? Was he
9 involved in this incident?

10 A. Yes, sir, he's one of the managers that
11 was at Mobile, I believe.

12 Q. I believe he was the trainmaster at the
13 time, wasn't he?

14 A. And still is.

15 Q. Okay. Was he over 40 or under 40 at the
16 time of this incident with Mr. Snapp?

17 A. Gary is over 40.

18 Q. Okay. And do you know if there was any
19 disciplinary action against him?

20 A. I believe he got the same disciplinary
21 action all of the other trainmasters at Mobile got
22 was the counseling and the correction of the behavior
23 that had been observed.

24 Q. Okay.

25 A. But again, Mr. Snapp was the senior

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1 manager and the manager accountable for the terminal.

2 Q. All right. I'm going to ask similar
3 questions about two other gentlemen. Elliot Davis --

4 A. Yes, sir.

5 Q. -- was he over 40 or under 40 at the time
6 of this incident involving Snapp?

7 A. I don't know.

8 Q. Okay. And was he counseled?

9 A. I believe he was counseled as was all the
10 other trainmasters at Mobile.

11 Q. Which would involve Mike Hyler,
12 H-y-l-e-r?

13 A. Mike Hyler was also a trainmaster there.
14 I believe Mike Hyler -- and again, I'm working off my
15 recollection -- I believe Mike Hyler had brought this
16 issue to the attention of Mr. Snapp. So he was one
17 of the people who really was trying to correct this
18 behavior, was our determination.

19 Q. So you didn't counsel him?

20 A. He was counseled because we wanted to
21 make sure everybody understood the importance of it.

22 Q. All right. At the time of this accident,
23 was he over 40 or under 40?

24 A. I'm not certain.

25 Q. Who validates or approves the payroll for

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1 the yard crews, do you know?

2 A. It's done different ways at different
3 locations. Generally a yardmaster or a trainmaster
4 will validate it.

5 Q. In Mobile, how would it have been done,
6 do you know?

7 A. I don't know.

8 Q. Okay. Was there any discipline in this
9 matter given to the contract crews?

10 A. I'm trying to remember. I just don't
11 recall. I don't think so, but I don't recall.

12 Q. Okay. All right. Well, let's shift
13 gears a little bit. Do you know who W.E. McClellan
14 is?

15 A. Yes, sir.

16 Q. Who is Mr. McClellan?

17 A. Ed McClellan is a retired employee of the
18 CSX Transportation Company.

19 Q. When did he retire?

20 A. I don't recall the exact date.

21 Q. Well, would it have been this year, sir?

22 A. This year or late last year.

23 Q. Okay. Did his retirement have anything
24 to do with a disciplinary action or a threat in
25 disciplinary action?

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1 A. Retirement occurred at the -- after an
2 incident had occurred that was -- had discipline
3 pending.

4 Q. Okay. And in 2006, February of 2006,
5 would he have been over 40 or under 40?

6 A. Ed would have been over 40.

7 Q. I believe he was involved in an incident
8 involving not submitting a rule violation report, am
9 I correct?

10 A. No. My recollection is is that the
11 incident that happened immediately prior to his
12 retirement involved him giving bad advice to a road
13 foreman and a trainmaster concerning the reporting of
14 a derailment.

15 Q. Reporting of a derailment?

16 A. Yes, sir. Sideswipe damage, I believe,
17 was the actual cause.

18 Q. Where was Mr. McClellan working out of as
19 of February 2006?

20 A. He was the manager of operating practices
21 on the Atlanta division headquartered in Atlanta,
22 Georgia.

23 Q. Okay. And would that have been where he
24 retired from?

25 A. Yes, sir. He lives in the Marietta area

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1 or at least did.

2 Q. Okay. What is the procedure in reporting
3 a rule violation of a train accident?

4 A. Well, it must immediately be reported to
5 the division management and the proper company
6 required accident reports need to be filled out.

7 Q. Do you know at that time period, in
8 February of 2006, whether or not trainmaster Greg
9 Kent was involved in that incident of the derailment?

10 A. I'm trying to remember. There were -- I
11 can't remember because Greg had an accident and was
12 off. I can't remember if Greg was the trainmaster.
13 And I don't remember who the trainmaster and who the
14 road foreman were. I remember that they were -- the
15 road foreman and the trainmaster on the W&A
16 subdivision. I do not recall who the players were.

17 Q. Do you remember if trainmaster Greg Kent
18 got any disciplinary action involving this incident?

19 A. No. The disciplinary action -- since the
20 trainmaster -- if it was Greg Kent, it was Greg Kent.
21 But the trainmaster and the road foreman both
22 reported that they had been given this advice by the
23 management of operating practices on the Atlanta
24 division, Ed McClellan, and when they reported that
25 they had not done that properly, I do not believe

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1 that we disciplined them --

2 Q. Okay.

3 A. -- formally.

4 Q. Was Mr. Greg Kent at the time under 40?

5 A. I don't know.

6 Q. Would you say probably he was?

7 A. Greg is right in that area as has been a
8 couple of the other names you've mentioned.

9 Q. How about Joe Tatum, the road foreman of
10 engines?

11 A. Joe was older than 40.

12 Q. Was he disciplined? I'm trying to
13 remember your testimony. I'm sorry.

14 A. Neither the -- to my knowledge, neither
15 the road foreman nor the trainmaster were disciplined
16 because they both reported the violation and they
17 were both given this counsel by a senior person named
18 Ed McClellan.

19 Q. How about was there an engineer by the
20 name of C.D. G-r-a-y -- excuse -- G-r-a-v-l-e-y,
21 involved in this incident?

22 A. I'm not certain who the employees were
23 that caused the damage. I was mainly focused on the
24 fact that the damage was not reported appropriately
25 and took action based on that.

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1 Q. Okay.

2 A. I'm certain that the crew was counseled,
3 but I don't know what -- the issue was not the damage
4 that was caused. That was easily dealt with. The
5 problem I had was it had not been properly reported.

6 Q. And you don't know whether or not Gravley
7 was involved, a guy named T.G. Powell who was the
8 conductor, was involved?

9 A. I don't recall the crew members.

10 Q. Okay. At the time of the accident, Rod
11 Workman was the division manager there at the Atlanta
12 division, was he not?

13 A. Yes, sir.

14 Q. Okay. All right. Do you know an
15 incident involving trainmaster Ray Billingsley of
16 Mobile for falsifying an efficiency test?

17 A. My recollection of that was that there
18 was an accusation of that, but the investigation
19 turned out that it was a typographical error and no
20 falsification was involved.

21 Q. Who made that finding? Was that the
22 Federal Railroad Administration, FRA?

23 A. I don't -- that wouldn't have been who I
24 relied upon. I relied on the Atlanta division, but
25 the FRA may or may not have checked it out. I don't

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1 know. We get -- from time to time we get a lot of
2 these accusations that we research and follow up.
3 From time to time they're accurate, most of the time
4 they're not. In this particular case it was not.

5 Q. And you get these complaints from various
6 sources but particularly I assume union sources
7 complaining about management?

8 A. Most of the time, yes, sir.

9 Q. Okay. Do you recall an incident
10 involving Ron Dunlap of Montgomery where he was
11 caught sleeping in his vehicle?

12 A. I vaguely remember the incident.

13 Q. Now -- and I want to say in the last
14 couple of years -- at that point the terminal manager
15 was Angie Averitte, okay, would that be correct?

16 A. I don't know who the terminal
17 superintendent was at the time of the incident. I
18 know Angie Averitte has been the terminal manager of
19 Montgomery. She's not currently on that position.

20 Q. I was going to say -- that's my next
21 question. Where is she now, sir?

22 A. She's the manager of operating practices
23 in Atlanta, Georgia.

24 Q. Is that a higher position than the
25 Montgomery position she formerly held?

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1 A. It's a lateral position.

2 Q. A lateral. Okay. So you understand the
3 term when I used lateral last time?

4 A. I understand how I use it, yes, sir.

5 Q. Now, how do you use it, sir? How do you
6 define a lateral position or a lateral transfer?

7 A. Same salary band.

8 Q. Okay. Same salary band, okay. And she's
9 currently there in Atlanta?

10 A. Yes, sir.

11 Q. And what position does she currently
12 hold?

13 A. She's the manager of operating practices.

14 Q. What does that job do?

15 A. That job is a direct report of the
16 division manager on each of the ten operating
17 divisions. And it's responsible for safety in
18 accident and injury prevention and reporting.

19 Q. Okay. Do you know an incident involving
20 John Carnes, assistant superintendent, Birmingham,
21 Alabama where he was accused of assaulting a female
22 yardmaster?

23 A. Yes, sir.

24 Q. Okay. When was that, sir?

25 A. I don't recall the specific dates.

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1 Q. Would it have been in the last couple of
2 years?

3 A. Yes, sir.

4 Q. All right. And Mr. Carnes, at that time,
5 was under 40 or over 40?

6 A. I don't know for certain. I believe he's
7 under 40.

8 Q. And after that incident he would have
9 been under 40?

10 A. I don't know.

11 Q. Okay.

12 A. I'm thinking he's right in that area, but
13 I don't really know.

14 Q. Was he pulled out of service until that
15 matter was investigated?

16 A. No, sir, I don't believe because -- no,
17 sir, I don't believe. I believe we knew right from
18 the very beginning that that incident was not -- was
19 false and that Mr. Carnes had acted appropriately
20 from the very beginning.

21 Q. Okay. You know, I had asked you a
22 question about Angie Averitte. She's currently
23 manager of operating practices in Atlanta, Georgia.
24 How many women in, say, the Atlanta division are
25 trainmasters?

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1 MR. BARKER: What does this have to do
2 with anything?

3 MR. ATCHISON: I think it has a lot to do
4 with arbitrary divisions.

5 MR. BARKER: Whatever. If you're going
6 to go down this road, then we can go ahead and
7 call the magistrate up because this is not a
8 gender discrimination case, and I'm fairly
9 certain Mr. Hollon is not a woman.

10 MR. ATCHISON: Well, are you instructing
11 the witness not to answer?

12 MR. BARKER: I'm not going to instruct
13 the witness not to answer the question because
14 that's not proper, but if you're going to go
15 down this road, then we're going to call the
16 magistrate, because allegations of gender
17 discrimination, that you seem to be trying to
18 make, have nothing to do with this case.

19 MR. ATCHISON: Calm down. Let me say
20 this. I'll reserve my right to call -- ask this
21 question later. We'll move on. Calm down.

22 BY MR. ATCHISON:

23 Q. All right. Mr. Workman -- let me ask you
24 this -- was involved in the demotion of Ron Hollon,
25 was he not, on June of 2006 and this is regarding the

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1 FRA card incident, right, sir?

2 A. Mr. Workman brought the situation to my
3 attention. As I said earlier, I made the
4 determination to demote Ron.

5 Q. Okay. What did you do to make that
6 determination? How did you investigate? What did
7 you do? I don't think I clarified that fully when I
8 was asking you about that.

9 A. I read the statements from the two
10 employees involved and they were pretty much -- it
11 was very clear to me and I think it was very clear in
12 their statements that they had decided to sign a
13 document that was not accurate and instruct people to
14 go to work with a document that was false.

15 Q. And you demoted both or you recommended
16 the demotion of both Mr. Hollon and Mr. Dean?

17 A. I demoted both of them.

18 Q. Okay. You made the final decision on
19 demoting both of them, correct, the reasons you
20 stated?

21 A. Yes, sir, it was my decision.

22 Q. Okay. And I take it that you -- before
23 you made that decision you had not consulted with the
24 FRA or anybody with the FRA?

25 A. It really wasn't an FRA matter from my

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1 perspective. I knew when I read the statements that
2 we did not have an FRA violation, but we had a matter
3 of integrity issue here and we had the leadership at
4 Montgomery, Alabama, Mr. Dean and Mr. Hollon, sign a
5 document falsely and instructed our people to go to
6 work with a false document. That's not the kind of
7 leadership I can allow to have happen on our
8 railroad.

9 Q. Okay. And I take it after the FRA had
10 made its decision in this matter, CSX railroad was
11 never fined, am I correct about that?

12 A. No. We were never -- not about that.
13 There was never any doubt in my mind that there was
14 no federal regulation. Again, the violation was --
15 an ethical violation of two of my managers had a card
16 signed indicating that something had occurred that
17 hadn't.

18 Q. All right, sir.

19 MR. ATCHISON: Can we take a very short
20 break, Mr. Barker?

21 MR. BARKER: That's fine.

22 (Break taken.)

23 BY MR. ATCHISON:

24 Q. Okay. All right. Mr. Pendergrass, you
25 understand you're still under oath, aren't you?

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1 A. Yes, sir.

2 Q. Okay. All right. Do you recall whether
3 or not Mr. Hollon applied for a trainmaster's
4 position in Montgomery in June of 2007?

5 A. No, sir.

6 Q. You don't recall that?

7 A. No, sir.

8 Q. You don't recall any of that scenario?

9 A. I don't -- I mean, I almost never see who
10 applies for trainmaster jobs.

11 Q. Okay. All right. Do you know if CSX has
12 a policy of not providing people on their home
13 terminal because they would be supervising and
14 managing people they think -- that they had worked
15 with in the past?

16 A. We don't have a policy of that. We have
17 found over the years that when you promote somebody
18 from their home location that it's a real disservice
19 to the person you're promoting.

20 Q. Okay. Sir, I'm going to try to put you
21 on speakerphone. I'm sorry. I'm just holding this
22 thing up. Hang on just a moment.

23 Mr. Pendergrass, have you or CSX promoted
24 a person named David Perry to a road foreman of
25 engines at the M&M sub? Did you hear me, sir?

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1 A. I'm hearing you. I'm trying to remember
2 who our current road -- I don't know who our current
3 road foreman is on the M&M sub. No, sir, I don't
4 recall who's there. It could very well be who you
5 said.

6 Q. Do you know if Montgomery was his home
7 terminal?

8 A. Again, I don't know -- I don't recall the
9 particulars around that particular assignment.

10 Q. Do you know if Mr. Perry worked in the
11 Montgomery terminal?

12 A. Again, I don't recall Mr. Perry, per se,
13 period.

14 Q. Okay. All right. Mr. Pendergrass, on
15 the Atlanta division, what was your percentage of
16 trainmasters that were over, say, 40 years of age?

17 A. I don't know.

18 Q. Do you have any best knowledge or
19 recollection?

20 A. You're talking about right this second?

21 Q. Yes, sir.

22 A. I don't know.

23 Q. Okay. Mr. Pendergrass, since CSX
24 maintains a policy of the EEOC and the EEOC
25 guidelines, why have you -- why do you have appointed

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positions within the company?

MR. BARKER: Object to the form.

Q. Okay. Do you understand my question?

A. No, sir, I don't.

Q. Well, for all positions, do you publicly advertise the positions?

A. No, sir.

Q. Okay. Why not, sir?

A. Because you generally get a lot of people that apply for positions that they're dramatically under qualified for and we have a formalized succession planning process for most of our senior positions.

Q. Okay. So you just promote within for your senior positions, is that what you do?

MR. BARKER: Object to the form.

A. What we do within for our senior positions is we develop a succession plan. Each of our divisions are responsible for the development of the managers that work for them, and we have frequent meetings where we discuss the qualifications and the performance of these managers to determine who are our high potentials based on their results.

Q. Okay. Mr. Pendergrass, if you had a manager that quit his position, would you later on

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1 promote him?

2 A. That has happened. It's not very
3 frequent.

4 Q. Okay. Does CSX have a policy on this
5 matter?

6 A. A policy stating what?

7 Q. On that issue of when a person quits a
8 position and then they seek promotion?

9 A. We don't have a policy that excludes
10 anyone from consideration if they've quit a position.

11 Q. What about being demoted, do you not
12 consider the person for promotion later on?

13 A. It depends on what they were demoted for.

14 Q. And what type of policy of demotion would
15 not let somebody go up for promotion in the future?

16 A. It would be probably a laundry list of
17 things.

18 Q. Has Mr. Hollon ever been denied a
19 promotion since the time of his demotion due to the
20 demotion?

21 MR. BARKER: Object to the form.

22 A. Not to my knowledge.

23 Q. Do you know if he's ever been denied an
24 interview because of his prior demotion?

25 A. No, sir, not to my knowledge.

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1 Q. Okay. But you would agree that he has
2 been denied interviews in the past after his
3 demotion?

4 A. I don't have any records about what
5 Mr. Hollon has been granted or denied.

6 Q. Okay. Regarding the matter of a person
7 quitting his position and then seeking promotion, do
8 you recall a Mr. Chandler Plott that quit the company
9 and then was rehired?

10 A. I don't recall any of the particulars
11 around that.

12 Q. Okay. Do you recall a manager named Matt
13 Meadows that quit, a line of road trainmaster at the
14 M&M?

15 A. I remember that Matt Meadows had been a
16 manager for us at one time, had gone back to
17 seniority and was later promoted.

18 Q. You promoted him again as road foreman of
19 the engines around Atlanta?

20 A. I remember him being promoted again, yes,
21 sir.

22 Q. Okay. Was he over 40 or under 40 at the
23 time of his promotion?

24 A. I don't know.

25 Q. Don't have any judgment?

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1 A. No, sir.

2 Q. Okay. Do you recall him being promoted
3 in -- in the position of trainmaster?

4 A. Yeah. I remember Matt Meadows being
5 promoted a couple of different times over the years,
6 yes, sir.

7 Q. And after that did he have a signal
8 violation and there was a derailment of a train on
9 its way towards Birmingham?

10 A. Involving him?

11 Q. Well, yeah, involving him.

12 A. I don't recall what you're talking about,
13 no, sir.

14 Q. Okay. Is there a CSX policy on employees
15 and fighting?

16 A. Yes, sir.

17 Q. Okay. What is the policy, sir?

18 A. Fighting is not to be condoned or
19 tolerated.

20 Q. Is that a terminable offense by itself?

21 A. The fighting, yes, sir.

22 Q. Okay. Do you recall an incident
23 involving an altercation between a manager and a
24 engineer in Montgomery in the last couple of years?

25 A. No, sir, I don't.

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1 Q. Okay. All right. What about CSX's
2 policy on threats, physical threats? What is it,
3 sir?

4 A. Well, obviously it will not be tolerated.

5 Q. And do you recall an incident involving
6 Charlie Brown, Superintendent Charlie Brown
7 threatening to kill an employee because of a
8 derailment at Chester Yard?

9 A. No, sir, I don't.

10 Q. Okay. What is the policy of -- well, let
11 me ask you this. I'm sorry -- strike that.

12 Okay. I want to go right back into the
13 incident involving Mr. Dean and the FRA and see if I
14 can really clarify that demotion scenario some bit
15 further. Now, in that situation, Mr. Workman made
16 the initial recommendation to demote Mr. Ron Hollon;
17 is that correct?

18 A. I don't recall him making a
19 recommendation to demote. I remember him bringing to
20 my attention the incidents.

21 Q. And at that meeting of June 19th, 2006,
22 Mr. Jack Frost was also present, right?

23 A. What meeting?

24 Q. I believe there was a meeting between
25 Mr. Hollon and Mr. Workman and Jack Frost. Do you

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1 know of such a meeting?

2 A. I need to have more specifics on that. I
3 was not at that meeting.

4 Q. Okay. You weren't told about that
5 meeting?

6 A. I don't know what you're talking about.

7 Q. Okay.

8 A. I mean, I know -- I don't understand
9 exactly the question you're asking.

10 Q. Okay. This is a FRA violation in which
11 it's claimed that Ron Hollon signed for Mr. Dean on
12 an FRA railroad card, government card.

13 A. I understand that, yes, sir.

14 Q. Okay. And do you recall subsequent to
15 that May incident, May 2006, in June, there was a
16 meeting involving Mr. Hollon, Mr. Workman and
17 Mr. Frost at which point Mr. Hollon was told that he
18 was being demoted.

19 A. Oh, okay. Yeah, I know of that meeting.
20 I'm not specific with the dates, but I know that
21 there was a meeting held with Mr. Dean and Mr. Hollon
22 to advise them that they were being terminated from
23 their management position.

24 Q. Had the decision been made by you before
25 that meeting that Mr. Hollon was to be demoted?

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1 A. I made the decision that they would be
2 demoted and I -- my recollection is is that the
3 purpose of that meeting was to advise them of that
4 decision.

5 Q. Okay. The purpose of the meeting of June
6 19th with Workman, Frost and Mr. Hollon.

7 A. You keep saying June 19th. I don't know
8 the date of that meeting.

9 Q. -- the date. I understand you may not
10 remember the specific date.

11 A. I know that I made the decision that
12 Mr. Dean and Mr. Hollon were to be terminated from
13 their management position. And I know that I asked
14 Rod Workman to advise them of that decision.

15 Q. And was it your understanding that matter
16 of advising Ron Hollon was in a personal meeting
17 between Mr. Workman, Mr. Frost and Mr. Hollon?

18 A. That's my recollection.

19 Q. Okay. And you had already instructed
20 Mr. Workman to inform Mr. Hollon that he was being
21 demoted before that meeting occurred, whether it was
22 June 19th or not?

23 A. I don't know if there were multiple
24 meetings held or not. I know that I made the
25 determination that Mr. Hollon and Mr. Dean were to be

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1 demoted because of their actions, and that
2 Mr. Workman was to convey that to them.

3 Q. All right. Now, I know you've already
4 said in your testimony that your recommendation and
5 your decision to demote Mr. Hollon was not based on
6 any legal or FRA violation, correct?

7 A. My decision to demote Mr. Dean and
8 Mr. Hollon was that they conspired to falsify a
9 document.

10 Q. Okay. This is what I want to ask a
11 specific question about that. What matter was
12 falsified on that document?

13 A. The document signified that Mr. Dean had
14 made a certification check with that employee and he
15 had not done so.

16 Q. In other words, are you saying that
17 Mr. Dean had been there and observed that employee?
18 Is that what you're saying that he wrote on that
19 document?

20 A. That's what that document signified.

21 Q. Okay. All right. Do you know if the
22 date of that signature of that document that Mr. Dean
23 indeed had watched that employee operate that remote
24 controlled engine or whatever it was?

25 A. I know that in Mr. Dean's statement that

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1 he admitted that he asked Mr. Hollon or told
2 Mr. Hollon to sign the card and he would get down
3 there later and do what was required. And that he
4 had not done it at the time that they falsely signed
5 the card.

6 Q. Do you know if he -- if Mr. Dean was
7 there at the date of signing the card and did the
8 observation?

9 A. I know at the time that they conspired to
10 falsely indicate that they had completed the work,
11 that it had not been done. I don't know when
12 Mr. Dean finally got down there and did what he
13 needed to have done.

14 Q. What work was to be completed? What are
15 you talking about there, sir?

16 A. The check ride of the RCO operator.

17 Q. On the day that Mr. Hollon signed for
18 Mr. Dean, had Mr. Dean observed the remote control
19 operator operating on that day?

20 MR. BARKER: Object to the form. This
21 has been asked and answered.

22 Q. Okay. Do you understand the question,
23 Mr. Pendergrass?

24 A. Well, I think I do. Mr. Dean indicated
25 in his statement, and I believe Mr. Hollon did, that

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1 they signed it prior to him performing the work that
2 he needed to perform.

3 Q. But do you know if Mr. Dean saw the
4 remote control operator operate the engine that day?

5 A. You mean later in the day?

6 Q. Yeah, or any time during that day?

7 A. Well, I don't know about that.

8 Q. Okay.

9 A. I don't -- it's not relevant to my
10 conclusion.

11 Q. I see. Okay. All right.

12 MR. ATCHISON: Mr. Barker, I'm going to
13 look at my notes for a few minutes. I may be
14 finishing with him.

15 MR. BARKER: Okay.

16 MR. ATCHISON: And this time if I need to
17 take a moment I'll just go out in the hallway.

18 MR. BARKER: Okay.

19 (Break taken.)

20 BY MR. ATCHISON:

21 Q. I've just got a few more questions of
22 you, Mr. Pendergrass.

23 A. Okay.

24 Q. I think I had earlier asked you about a
25 position of -- a trainmaster position that was filled

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1 in Pensacola, Florida in the last couple of years.
2 And I believe you indicated that a Bill Setzer got
3 the position.

4 A. Yes, sir.

5 Q. Okay. Do you recall whether or not he
6 was over 40 or under 40? I can't remember if you
7 responded to that question.

8 A. I don't think you asked it, but he's
9 under 40.

10 Q. Under 40. And do you recall a gentleman
11 by the name of Jerry Holsworth that applied for that
12 job?

13 A. I know Jerry Holsworth, yes, sir. I
14 didn't recall him being an applicant for that job but
15 I know Jerry Holsworth.

16 Q. Can you spell his name for the court
17 reporter?

18 A. No, sir.

19 Q. Could it be H-o-l-s-w-o-r-t-h?

20 A. It could be, or H-o-l-z. I'm not
21 certain.

22 Q. Okay. Now, at the time he applied for
23 the job, Mr. Holsworth was over 50, wasn't he?

24 A. He's over 40, but I don't know about over
25 50.

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1 Q. Okay. And don't you agree that at the
2 time he applied for the job he had a college degree?

3 A. I don't recall that.

4 Q. Okay. Well, Mr. Bill Setzer did not have
5 a college degree, am I correct?

6 A. I don't know that.

7 Q. All right. Was Mr. Hollon scheduled to
8 be interviewed for this position that Mr. Bill Setzer
9 got in Pensacola, Florida?

10 A. I do not know.

11 Q. Okay. Do you know if he was ever
12 notified for an interview?

13 A. No, sir.

14 Q. Who is Mr. Bob Frulla, F-r-u-l-l-a?

15 A. Mr. Bob Frulla is the division manager of
16 the Jacksonville division.

17 Q. Do you know if Mr. Hollon, he ever
18 inquired of Mr. Frulla why he was not interviewed for
19 that job?

20 A. No, sir, I don't.

21 Q. Okay. We're almost finished,
22 Mr. Pendergrass, so if you could bear with me.

23 MR. ATCHISON: I believe that's all.

24 MR. BARKER: All right. With the
25 deposition tomorrow -- we can go off the record.

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MR. ATCHISON: Yeah.

(Deposition concluded at 3:44 p.m.)

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CERTIFICATE OF OATH

STATE OF FLORIDA)

)

COUNTY OF DUVAL)

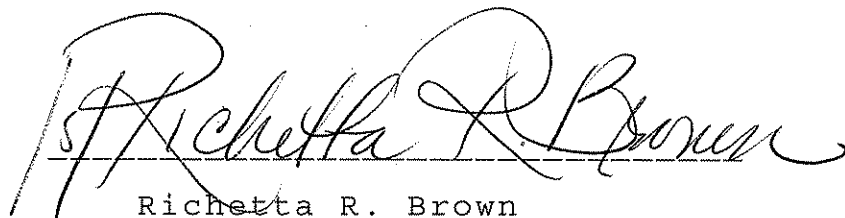
I, the undersigned authority, certify

that TRAVIS MIKEL PENDERGRASS personally appeared

before me and was duly sworn.

WITNESS my hand and official seal this 7th

day of November 2007.



Richetta R. Brown

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REPORTER'S DEPOSITION CERTIFICATE

STATE OF FLORIDA)


)

COUNTY OF DUVAL)

I, Richetta R. Brown, Court Reporter,
certify that I was authorized to and did
stenographically report the deposition of TRAVIS
MIKEL PENDERGRASS; that a review of the transcript
was requested; and that the transcript is a true and
complete record of my stenographic notes.

I further certify that I am not a relative,
employee, attorney, or counsel of any of the parties,
nor am I a relative or employee of any of the
parties' attorney or counsel connected with the
action, nor am I financially interested in the
action.

DATED this 7th day of November 2007.


Richetta R. Brown

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CAPTION

The Deposition of TRAVIS MIKEL PENDERGRASS,
taken in the matter, on the date, and at the time and

It was requested that the deposition be taken
by the reporter and that same be reduced to
typewritten form.

It was agreed by and between counsel and the
parties that the Deponent will read and sign the
transcript of said deposition.

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Copy of Transcript

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

Ronald A. Hollon, Sr.,

Plaintiff,

vs.

CSX Transportation, Inc.,

Defendant.

Civil Action No.:
2:06-CV-1099-WKW

DEPOSITION OF

RODNEY STEVEN WORKMAN

October 30, 2007
10:00 a.m.

50 North Laura Street, Suite 2225
Jacksonville, Florida

Richetta R. Brown, Court Reporter
and Notary Public in and for
the State of Florida at Large

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corybarker@paulhastings.com

ALSO PRESENT: Sarah Hall, Esquire

Ronald Hollon

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DESCRIPTION OF EXHIBITS

EXHIBIT IDENTIFICATION

1	E-mail From Patrick Plumb
2	E-mail From Angie Averitte
3	E-mail From Ron Hollon
4	Bates Stamp 586 through 592
5	Bates Stamp 563 through 584
6	To Whom It May Concern Letter

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DEPOSITION OF RODNEY STEVEN WORKMAN

OCTOBER 30, 2007

RODNEY STEVEN WORKMAN, having been first duly sworn, was examined and testified as follows:

THE WITNESS: Yes.

DIRECT EXAMINATION

BY-MR.ATCHISON:

Q. My name is Gary Atchison. I'm an attorney for Mr. Ron Hollon in this case that's styled Ronald A. Hollon, Sr., Plaintiff, v. CSX Transportation, Inc., Case No. CV-1099WKW. It's been filed in the United States Middle District of Alabama Northern Division.

If I should ask you, Mr. Workman, any questions that you don't understand, you have a right to ask me to repeat the question or rephrase the question, okay --

A. Yes, sir.

Q. -- do you understand that? Before I start asking you questions about this case, are you under any influence of any drugs or alcohol today?

A. No, sir.

Q. Are you under any sort of disability that would impair your judgment or your ability to testify today truthfully?

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1 A. No, sir.

2 Q. Okay. Would you state for the record
3 your full, legal name.

4 A. Rodney Steven Workman.

5 Q. Also as a matter of housekeeping you've
6 got a right to read and sign. And I'll assume that
7 your counsel will want you to read and sign this
8 deposition.

9 MR. BARKER: Yes. We'd like to exercise
10 that right.

11 Q. Rodney C. Workman?

12 A. Rodney Stevens.

13 Q. And sir, what is your home address, here?

14 A. Oh, my. It's Church Street, but I don't
15 know the exact location. It's on the corner of
16 Church and Pearl here in Jacksonville, Florida.

17 Q. Would you be in the directory service if
18 I called up --

19 A. CSX.

20 Q. You don't live at your work. I said what
21 is your home address?

22 A. That's correct. You can get it from the
23 CSX directory if you need it. I don't have a
24 telephone.

25 MR. BARKER: Well, you still don't have

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1 permission to contact him at home. Let's just
2 make that clear on the record here, too.

3 MR. ATCHISON: If I serve a subpoena for
4 him at work, it will be honored?

5 MR. BARKER: We can discuss the terms of
6 that later on if you want to serve a subpoena
7 for him.

8 Q. Sir, where do you work?

9 A. I work at CSX Transportation, 500 Water
10 Street, Jacksonville, Florida.

11 Q. And what is your current position?

12 A. General manager of operating rules and
13 practices.

14 Q. Do you know Mr. Pendergrass?

15 A. Yes, sir.

16 Q. We took his deposition by telephone
17 yesterday and he testified that he thought you were
18 assigned to a position in safety?

19 A. That's correct.

20 Q. Okay.

21 A. In the safety department.

22 Q. When did you assume this position of
23 general manager of rules and practices in the safety
24 department? When did you start?

25 A. Approximately January 10th, 2007.

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1 Q. What was your prior position just before
2 that position?

3 A. Division manager of the Atlanta division.

4 Q. And how long had you held that position?

5 A. Approximately 20 months.

6 Q. So approximately what month did you start
7 that position of division manager of Atlanta?

8 A. March 16, 2005.

9 Q. Okay.

10 A. Excuse me. Yeah, March 16, 2005.

11 Q. And what did that position -- what was
12 its job responsibilities? What did it detail?

13 A. Overseeing the administrative and
14 operational aspects of the Atlanta division.

15 Q. Did that include being over personnel?

16 A. Yes, sir.

17 Q. Did you make personnel decisions in that
18 position of, I'll call it, division manager?

19 A. Yes, sir.

20 Q. Within the division, were you the highest
21 manager?

22 A. Yes, sir.

23 Q. The highest ranking manager over
24 employees?

25 A. Yes, sir.

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1 Q. Did you make decisions to demote,
2 discipline, terminate, et cetera, employees?

3 MR. BARKER: Object to the form. You can
4 answer.

5 A. I didn't make ultimate decisions but
6 would make recommendations.

7 Q. Okay. And of the recommendations that
8 you made, say, to demote, where did they go once you
9 made the recommendation?

10 A. To the regional vice president.

11 Q. And that would have been Mr. Pendergrass
12 during that time period?

13 A. That's correct.

14 Q. And how many recommendations to demote do
15 you think you made during the time that you worked as
16 division manager?

17 A. For all personnel?

18 Q. Yes.

19 A. Contract and noncontract.

20 Q. Let's just say personnel equivalent to
21 the plaintiff here, Mr. Hollon.

22 MR. BARKER: Object to the form. You can
23 answer.

24 Q. Manager, supervisors. I'm not talking
25 about independent contractors.

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1 A. I understand. I'm sitting here thinking
2 about how many I did. I'd say approximately three or
3 four.

4 Q. Okay. And of those three or four, did
5 Mr. Pendergrass approve each of your recommendations.

6 A. Mr. Pendergrass listened to my
7 recommendations and did what he felt he had to do.

8 Q. Okay. But did he go along with your
9 recommendations?

10 A. Not always.

11 Q. Which ones did he not go along with?

12 A. I can't recall.

13 Q. You said three or four, so...

14 A. Right. I can't recall a total number of
15 ones, but he did -- he made the ultimate decision on
16 Mr. Snapp after reviewing the total facts. He made
17 the ultimate decision on Ed McClellan after reviewing
18 the total facts. He made an administrative decision
19 on personnel changes as far as Angie Averitte after
20 reviewing the total facts. And he also made the
21 ultimate decision on a personnel in terms of moving
22 William Faulkner or John Faulkner in terms of
23 reviewing the total facts in Birmingham.

24 Q. All right. I'll come back to these with
25 more specificity. But just quickly, did he agree

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1 with you on the Snapp matter?

2 A. Based upon the facts, yes.

3 Q. Did he agree with you on the Ed McClellan
4 matter?

5 A. Yes, sir, based on the facts.

6 Q. Did he agree with you on the -- on your
7 recommendations regarding the Angie Averitte matter?

8 A. Yes, sir, based on the facts.

9 Q. And did he agree with you on Faulkner's
10 matter?

11 A. Yes, sir.

12 Q. Okay. Can you think of any other
13 examples that would be similar to or equivalent to
14 Mr. Hollon's demotion that you made recommendations
15 to demote somebody and you forwarded that
16 recommendation to Mr. Pendergrass?

17 A. Other than T.J. Dean that was involved
18 with Mr. Hollon.

19 Q. All right.

20 A. And again, that was solely based on the
21 facts.

22 Q. Okay. And he agreed with you on T.J.
23 Dean as well, did he not?

24 A. Yes, sir, that's correct.

25 Q. So all of those similar to or equivalent

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1 demotions during your time frame as working as the
2 district manager of the Atlanta division,
3 Mr. Pendergrass agreed with your recommendations?

4 A. He agreed with the decision that needed
5 to be made based upon the facts.

6 Q. Okay. Regardless of the facts, he agreed
7 with your recommendation in each case?

8 A. Based on the facts.

9 Q. All right. Now, when you went from
10 district manager of the Atlanta division to your
11 current position of general manager of rules and
12 practices in the safety department, did you get the
13 same salary --

14 A. Yes, sir.

15 Q. -- when you transferred?

16 A. Yes, sir.

17 Q. Do you know why you were transferred from
18 one position to the other?

19 A. Yeah. The reason why was because at the
20 time the organization itself, CSX, was making
21 basically some overall leadership changes and those
22 leadership changes comprised of moving different
23 officers, if you will, to different positions
24 throughout the organization. Now, I was moved to
25 Jacksonville because of my overall strength in field

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1 operations and knowledge of rules. So they felt that
2 there was a need to basically upgrade the rules
3 department in terms of my knowledge, and they brought
4 me down here as a leadership change.

5 Q. Did anyone in management at CSX mention
6 any displeasure with your performance as a general
7 manager -- excuse me -- a district manager of the
8 Atlanta division?

9 A. No, sir, that was never discussed. When
10 I had the initial meeting with Mr. Brown in
11 Indianapolis, his indication was that they were
12 making changes in terms of the overall leadership,
13 putting people where they felt that they needed to be
14 within the organization to help strengthen the
15 organization. And he felt that with my background
16 that I needed to be in the operating rules and
17 compliance part.

18 Q. Okay, sir. Now, just before we started
19 this deposition, I assembled a series of documents
20 that were marked as defendant's exhibits and you have
21 those before you, sir.

22 A. Yes, sir.

23 Q. Red tabs. Okay. Have you had -- flip to
24 the second red tab there. And I think that's Exhibit
25 23. That's the complaint or the lawsuit in this

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1 matter.

2 MR. BARKER: Second red tab.

3 Q. Second red tab, sir.

4 A. I'm getting to it.

5 Q. That's the defendant -- that's marked as
6 Defendant's Exhibit 23. Yeah, you'll get them really
7 lost if you take your clip off, sir.

8 A. I'm trying to get to it. What if I put
9 it like that?

10 Q. That's up to you. All right. Have you
11 had the opportunity to read this lawsuit, sir,
12 before?

13 A. No, sir.

14 Q. You want to -- you want to take a moment
15 to look at it?

16 A. Sure.

17 Q. All right, sir. You understand that
18 Mr. Hollon is in this lawsuit complaining that he has
19 been a victim of age discrimination?

20 A. Yes, sir, I understand that.

21 Q. And you understand he's complaining that
22 he had made comments and complaints about being a
23 victim of age discrimination to CSX and that as a
24 result he had been retaliated against; do you
25 understand that?

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1 MR. BARKER: Object to the form. You can
2 answer, if you can.

3 Q. Okay.

4 A. I wasn't aware that he had been in any
5 way discriminated as a result of his age.

6 Q. Well, I just wanted to make you aware of
7 what some of the basic allegations were before
8 starting into this examination with you.

9 During the time period you were division
10 manager of the Atlanta division, what position did
11 Mr. Hollon hold?

12 A. Initially, when I first started as the
13 division manager, Mr. Hollon held the position of
14 terminal trainmaster at Montgomery, Alabama.

15 Q. Okay, sir. And he held that position to
16 on or about June 19th, 2006, am I correct?

17 A. That's correct.

18 Q. Okay. And there was a meeting on June
19 19th, 2006?

20 A. That's correct.

21 Q. In which you participated and Mr. Hollon
22 participated?

23 A. That's correct.

24 Q. And where did that meeting occur, sir?

25 A. That meeting occurred at Montgomery,

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1 Alabama.

2 Q. And who else participated in that
3 meeting?

4 A. Jack Frost who was at that time manager
5 of human resources, basically represented the
6 Southern Region along with T.J. Dean the -- at that
7 time he was still the road foreman of engines.

8 Q. And what was the purpose of having that
9 meeting, sir? Did you call that meeting?

10 A. That's correct.

11 Q. Okay.

12 A. The purpose of the meeting was to sit
13 down and discuss what the facts initial -- or the
14 facts indicated in regards to the said incident
15 that's obviously a part of this lawsuit that you
16 showed.

17 Q. Okay. All right. That will be -- you're
18 pointing to Defendant's Exhibit 23?

19 A. That's correct.

20 Q. And was there a particular event that had
21 occurred that led to that meeting, sir?

22 A. That's correct.

23 Q. What was that event?

24 A. The event was an RCO position that
25 apparently had an certification issue for his license

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1 to operate the RCO.

2 Q. Let's do this for the court. I don't
3 know and I maybe would be guessing at it, but what is
4 an RCO for the court's purpose?

5 A. An RCO is a remote control operation.

6 Q. And again, you know, you and I assume
7 things that we know but remote control what, sir?

8 A. A remote control locomotive.

9 Q. All right. Explain what a remote control
10 locomotive is and how it works and in what context it
11 works in.

12 A. A remote control locomotive is a --
13 basically a communication. You have a communication
14 device that's linked to a locomotive in an electronic
15 way, if you will, a mechanical way that you can
16 operate a locomotive without having a locomotive
17 engineer inside the cab to operate it. You can do it
18 on the ground as a result of the communication device
19 setup and linked to that locomotive.

20 Q. Is this kind of equivalent to a child's
21 toy to where he has a car or a truck that he has a
22 little radio box with a joystick, and he can control
23 the car at a distance and not actually be touching
24 the car when he controls it?

25 A. To some degree, yes, but it's far more

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1 sophisticated than that.

2 Q. I understand. But that's the general
3 idea. It's a remote control box?

4 A. Radio control.

5 Q. Radio control box and the engine is also
6 hooked with the radio that receives a signal from
7 that radio control box?

8 A. That's correct.

9 Q. And the operator is not actually in the
10 locomotive operating it as a normal locomotive would
11 be operating it, correct?

12 A. That's correct.

13 Q. Okay. All right. So this event was on
14 what day that we're talking about, the event in
15 question?

16 A. I can't remember the exact date. I know
17 it was in May, but the exact date I can't remember.

18 Q. Was it May 26th, does that refresh your
19 recollection, of 2006?

20 A. I know it was in the latter part of May,
21 but the exact date I can't tell you.

22 Q. Okay. If Mr. Hollon would testify that
23 it was on May the 26th, 2006, would you have any
24 proof to show otherwise?

25 A. No, sir. I'd accept what Mr. Hollon

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1 said.

2 Q. Okay. And the same way would be if
3 Mr. Dean testified it occurred on May the 26th, would
4 you have any problems with that?

5 A. No, sir.

6 Q. Do you have a clear recollection of what
7 happened that day?

8 A. The only -- this is --

9 MR. BARKER: Which day are you referring
10 to?

11 Q. May the 26th. The day of the event.
12 Whatever day it may be. The day involving the event
13 of the RCO incident, that's what I'll call it, the
14 RCO incident.

15 A. My recollection comes from my senior road
16 foreman.

17 Q. Who is your senior road foreman?

18 A. Rodney Saunders.

19 Q. And where was he located on May the 26th?

20 A. He was located in Atlanta, Georgia.

21 Q. Does he directly report to you?

22 A. That's correct.

23 Q. All right. Well, let's do this,
24 regarding the remote control incident -- and we'll
25 say it's on May the 26th, unless you recall another

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1 day -- what was the first moment or date that you
2 heard about that incident?

3 A. Again, the exact date, I can't give you
4 the exact specific date, but it was sometime in early
5 June.

6 Q. You heard about it first in June?

7 A. Yes, sir.

8 Q. And that was June of 2006?

9 A. That's correct.

10 Q. And how did you hear about it, sir?

11 A. Senior road foreman Rodney Saunders had
12 called me on my cell phone to indicate that there was
13 an issue with the license on an RCO operator at
14 Montgomery, Alabama. He then went on to tell me that
15 T.J. Dean, who was the road foreman of engines, had
16 basically had a discussion with Ron and had indicated
17 to Mr. Hollon that it was okay for him to go ahead
18 and sign the license for that particular employee.

19 Q. Okay. The document that was signed
20 allegedly by Mr. Hollon for Mr. Dean with Mr. Dean's
21 name, I'm assuming that's what you're saying, that
22 Mr. Hollon signed for Mr. Dean on that document,
23 right?

24 A. That's correct.

25 Q. What was that document called?

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1 A. It was an RCO license, basically,
2 certification.

3 Q. Okay. Certification is the term I've
4 heard before not license.

5 A. Yes.

6 Q. RCO. All right. And was that a
7 government document?

8 A. Yes, sir.

9 Q. Okay. And what did Rodney Saunders say?
10 Did he initiate the entire matter with you, or did
11 you hear about it maybe before Mr. Saunders?

12 A. No, sir. I heard it when Mr. Saunders
13 contacted me, and Mr. Saunders had indicated that
14 apparently the FRA had arrived at Montgomery to
15 investigate an issue where a certification license,
16 if you will, had been signed by Mr. Hollon.

17 Q. Okay. And it is your understanding --
18 it's your clear understanding that the FRA -- now,
19 what is the FRA?

20 A. The FRA is the Federal Railway
21 Administration.

22 Q. Okay. It's your understanding that the
23 FRA was involved before Mr. Saunders learned about it
24 then?

25 A. That's my understanding.

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1 Q. Okay. Who in the FRA was involved in
2 early June first?

3 A. I understand it was -- again, from the
4 facts that we had gathered that it was from Marlo.

5 Q. Marlo who?

6 A. I can't remember her last name. Her
7 office is out of Atlanta.

8 Q. Would that be Marlo Owens?

9 A. Yes, that's correct.

10 Q. And do you -- did you understand from Mr.
11 Saunders that Marlo Owens had gone to the Montgomery
12 site and had investigated or looked into the matter
13 of the RCO certification --

14 A. Yes, sir, that's correct.

15 Q. -- incident of March the 26th?

16 A. That's correct.

17 MR. BARKER: You mean May the 26th?

18 Q. I mean, May the 26th. Thank you very
19 much.

20 And at that point did you ever talk to
21 Ms. Owens, Marlo Owens?

22 A. No, sir.

23 Q. Do you know if anybody at CSX had talked
24 to her regarding her findings?

25 A. Not that I'm aware of.

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1 Q. At that point did you talk to Mr. Hollon?

2 A. No, sir, not at that point.

3 Q. Okay.

4 A. Not that I can recall.

5 Q. Prior to June the 19th of 2006, did you
6 talk to Mr. Hollon regarding this alleged RCO
7 incident of May the 26th?

8 A. Prior to June 19th Mr. Hollon called me
9 on the phone.

10 Q. Okay. Did he candidly talk to you?

11 A. Candidly?

12 Q. Uh-huh (affirmative).

13 A. I guess you can say. I mean, I'm not
14 sure it was candidly.

15 Q. He told you what happened?

16 A. Well, he had indicated to -- initially to
17 Jason Tipton because Jason Tipton was the terminal
18 manager, the chronology of this thing after I was
19 contacted by Rodney Saunders. And obviously I had to
20 talk to Mr. Pendergrass and tell him that we got a
21 situation. Mr. Saunders had indicated after he got
22 the initial report of this issue, if you will, that
23 he had talked to Dean Manafee, who is the system road
24 foreman down here in Jacksonville, to review the
25 federal requirements in terms of RCO operations and

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1 certification license to get his interpretation. And
2 from that interpretation Mr. Manafee indicated or
3 advised, if you will, Mr. Saunders to contact me
4 because there was a federal issue here involved.

5 Q. Okay. Did Mr. Dean Manafee tell you that
6 there was a federal violation?

7 A. No, he did not tell me. Mr. Saunders
8 did.

9 Q. Mr. Saunders told you it was a federal
10 violation?

11 A. Based upon the advice that he was given
12 by Mr. Manafee.

13 Q. But later on you found that Mr. Saunders
14 was incorrect. The FRA found there was no violation,
15 did it not?

16 A. As far as the signature there was an
17 issue.

18 Q. The FRA said there was found -- had a
19 finding of no violation, did it not?

20 A. The FRA indicated that there would not
21 have been a violation other than the fact that
22 Mr. Hollon had signed Mr. Dean's signature.

23 Q. All right. I'd like to show you what has
24 been marked as Plaintiff's 1, sir, and I think your
25 counsel has previously marked this as an exhibit.

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1 I'm not sure what the number is, but it's a defense
2 exhibit, but I'll mark it as Plaintiff's 1.

3 (Plaintiff's Exhibit-1 was marked for
4 identification.)

5 A. Okay.

6 Q. Sir, does this document involve itself
7 with the RCO incident of May the 26th, 2006?

8 A. Yes, sir.

9 Q. Okay. And look at the second paragraph
10 of this document. Well, let's back up, if we could.
11 This is from Patrick Plumb at dot gov. Do you see
12 that?

13 A. Yes, sir.

14 Q. Do you know who Mr. Patrick Plumb is?

15 A. No, sir.

16 Q. Okay. Well, if we represent to you he's
17 FRA, would you have any proof to the contrary?

18 A. I wouldn't know.

19 Q. Okay. All right. Well, the second
20 paragraph says, quote, After review of the
21 circumstances and events on that date, FRA has
22 determined that CSX was not in violation of federal
23 regulations governing remote control operations. Do
24 you see that statement?

25 A. The second paragraph?

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1 Q. Yes, sir.

2 A. Okay. Would you please read it again?

3 Q. It says, quote, After review of the
4 circumstances and events on that day, FRA has
5 determined that CSX was not in violation of federal
6 regulations governing the remote control operations.

7 A. Yes, sir, I see that.

8 Q. Okay. So does that refresh your
9 recollection the FRA did not have any finding of any
10 violation of rules, regulation, law regarding the
11 remote control operation matter?

12 MR. BARKER: Object to the form. You can
13 answer.

14 A. I think that what's applicable is the
15 next sentence.

16 Q. All right. And I'll read it. It says,
17 FRA has allowed CSX a 60-day grace period for an RCO
18 that has not had a check ride for the previous year
19 which allows an RCO to operate as such for a 60-day
20 period prior to the completion of the check ride.

21 Okay. And what -- how does that change
22 the finding that there's no FRA violations?

23 A. If Mr. Hollon had not signed the
24 certification license, this employee still had a
25 60-day grace period in which to operate. The problem

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1 was he signed a federal document with another
2 officer's name.

3 Q. Well, again, my question was, did the FRA
4 find any violation? And you said you thought they
5 did. And is there any showing by you through this
6 document or otherwise that FRA found any violation of
7 any federal rule, regulation, law or otherwise?

8 A. My answer was is that the FRA
9 investigated the matter at Montgomery. I did not say
10 at that time what their reaction was or response.

11 Q. Well, my question is not at that time but
12 at any time to this very moment --

13 A. The only advice that my senior road
14 foreman had was from the system road foreman, Dean
15 Manafee, who had -- who obviously oversees the
16 regulatory issues of RCO for CSX and his advice was
17 to our senior that it was in violation for allowing
18 one of our officers to sign another officer's name to
19 a federal document.

20 Q. Sir, if you could listen to my question.
21 And I want to clarify this question so you can
22 understand it. My question is, At any time to this
23 very moment, has the FRA ever found any violation of
24 any rule, regulation or law regarding the RCO
25 incident of May the 26th, 2006?

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1 A. Has CSX, as far as I know, received a
2 citation in regards to an FRA violation at Montgomery
3 over this issue, to my knowledge, they haven't.

4 Q. Thank you.

5 A. But that doesn't make it --

6 Q. Thank you. That was my question. And
7 you answered my question. Thank you. All right.

8 Now, in June you learned of the May
9 incident. Do you recollect approximately when in
10 June -- how much earlier than the June 19th meeting
11 did you learn about this alleged incident of May the
12 26th?

13 A. Approximately ten days.

14 Q. So approximately on the 10th of June?

15 A. It was probably the first week of June
16 between probably, I think, the 5th to the 9th of
17 June. Somewhere in that time frame.

18 Q. All right. In your own words, what was
19 the problem involving Mr. Hollon signing the document
20 for Mr. Dean, that's the RCO certification?

21 A. The issue was that we had an officer,
22 Mr. Hollon, who had signed a federal document, which
23 was the certification license with Mr. Dean's name.

24 Q. Sir, do you have a secretary?

25 A. Do I have a secretary?

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1 Q. Yes, sir.

2 A. I have a chief clerk, yes, sir.

3 Q. A clerk, secretary, administrative
4 assistant, someone to assist you with your clerical
5 duties?

6 A. No.

7 Q. Have you ever had one?

8 A. Have I ever had one?

9 Q. Yes, sir.

10 A. No.

11 Q. Well, do you know people that have them
12 and told their administrative assistant or secretary
13 to sign their names for them on certain documents?

14 A. Yes; sir.

15 Q. In fact, we had Mr. Pendergrass say that
16 he had yesterday. That's with authorization, is it
17 not?

18 MR. BARKER: I'm going to object to the
19 form of your misstating the evidence from
20 yesterday's deposition.

21 Q. If someone tells another person that he
22 or she can sign his or her name on a document,
23 letter, whatever, that's with authorization, is it
24 not?

25 MR. BARKER: I'm going to object to the

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1 form.

2 A. Are you asking do I do that? Are you
3 asking us in generalities?

4 Q. You said that you don't have people --
5 you haven't had an administrative assistant or
6 secretaries before. Is that your testimony?

7 A. I said I've had a chief clerk, but she
8 was not an administrative.

9 Q. Okay. Your chief clerk, did you ever ask
10 your chief clerk to sign your name to documents --

11 A. No, sir.

12 Q. -- with your authorization? But you know
13 of other managers that have in the past?

14 A. I'm sure there has been others.

15 Q. And I believe yesterday Mr. Pendergrass
16 had testified he had done that before himself, okay.
17 So it's not uncommon, right? That's okay if it's
18 authorized, is it not?

19 A. If it's a federal document I wouldn't
20 want somebody signing my name without me looking at
21 it. I'd sign it myself.

22 Q. Okay. Do you know the law on
23 authorization of signatures, authorizing somebody, do
24 you know the federal law on that?

25 A. Other than the process of moving and

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1 having my wife sign my documents.

2 Q. Okay. You had your wife sign your
3 documents?

4 A. Right.

5 Q. Okay. And what documents did you have
6 your wife sign?

7 A. I had to have a power of attorney to do
8 that.

9 Q. Okay. What documents did you have your
10 wife sign?

11 A. She signed basically all of our moving
12 agreements, so -- but I had to have a power of
13 attorney to do that.

14 Q. Okay. All right. You had the power of
15 attorney, but do you know if you had to have it for
16 her signing your documents?

17 A. Yes, sir.

18 Q. To the matter of the RCO signing by
19 Mr. Hollon of Mr. Dean's signature, do you have any
20 proof that Mr. Dean had not authorized the signing of
21 a RCO certification on or about May the 26th, 2006?

22 MR. BARKER: Object to the form.

23 A. You need to re- -- I didn't understand
24 that question.

25 Q. Okay. Do you have any proof that

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1 Mr. Dean did not authorize -- request and authorize
2 Mr. Hollon to sign Mr. Dean's name on that RCO
3 certification today?

4 MR. BARKER: Object to the form.

5 A. Prior to --

6 Q. Uh-huh (affirmative).

7 A. -- his signature?

8 Q. Yes, sir.

9 A. No, sir, I had no knowledge.

10 Q. Okay. And to this moment you don't have
11 any knowledge, do you?

12 A. Other than the fact that -- what was
13 explained to me by Senior Road Foreman Saunders.

14 Q. Okay. What did Saunders explain to you?

15 A. Saunders explained that in the testimony
16 or the statement that he had secured from Mr. Dean,
17 that he had requested that Mr. Hollon sign his name
18 to a federal document.

19 Q. Do you know how this matter had come to
20 the attention of Mr. Saunders? Did he ever tell you?

21 A. Again, the only thing that I know, again,
22 my recollection was is that Marlo Owens in the FRA
23 had apparently come to Montgomery to review an
24 incident where a federal license was signed by
25 Mr. Hollon from Mr. Dean.

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1 Q. Do you know who made the complaint that
2 brought the FRA, i.e., Marlo Owens to Montgomery,
3 Alabama to do this investigation --

4 A. No, sir.

5 Q. -- okay, at CSX? Before May the 26th,
6 2006 and this incident, had you had some issues with
7 Mr. Hollon?

8 MR. BARKER: Object to the form.

9 A. Me?

10 Q. Yes, sir.

11 A. No, sir.

12 Q. No issues?

13 A. No, sir.

14 Q. On the date of May 26th, 2006, did
15 Mr. Hollon raise any issues with you, sir, that same
16 date of the alleged RCO incident?

17 A. I can't recall any.

18 Q. Okay. I assume your company is probably
19 more modern than I am. Does it have a computer
20 system?

21 A. Yes, sir, it does.

22 Q. I don't use the computer, but you do
23 don't you, sir?

24 A. Do I utilize the systems that we have?
25 Yes, sir.

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1 Q. Yes, sir. And my law clerk does, but do
2 you personally use the computer?

3 A. Do I personally use the computer at work?

4 Q. At CSX?

5 A. Yes, sir.

6 Q. Okay. All right. Do you review the
7 e-mails sent to you, sir?

8 A. Yes, sir, I do.

9 Q. Do you review e-mails each day, sir?

10 A. Each day, no, sir.

11 Q. How often do you review e-mails?

12 A. I would say approximately -- at least
13 every -- it wouldn't go any longer than two or three
14 days.

15 Q. Okay. Maximum?

16 A. Yes, sir.

17 Q. Unless you're off on vacation?

18 A. Even on vacation.

19 Q. Okay. Do you have a laptop you carry
20 with you?

21 A. No. We have capability at home to pull
22 it up under our current systems.

23 (Plaintiff's Exhibit-2 was marked for
24 identification.)

25 Q. I'd like to show you Plaintiff's Exhibit

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1 No. 2.

2 A. Okay.

3 Q. Okay. Did you receive this e-mail, sir?

4 A. Yes, sir, I did.

5 Q. Okay. And when I've been talking about
6 the incident on May the 26th, I may be in error. It
7 may have been -- the RCO incident was on a Saturday,
8 May the 27th the day of this e-mail. With that
9 understanding, do you believe you received this
10 e-mail on the 27th, that's addressed to you,
11 Mr. Workman?

12 A. Do I remember receiving it on the 27th,
13 that exact date?

14 Q. Uh-huh (affirmative).

15 A. No, sir, I don't remember that.

16 Q. But certainly based on your pattern and
17 practice, you would have received it within a couple
18 or three days, correct?

19 A. That's correct.

20 Q. Okay. And assuming that fact of your
21 pattern and practice of receiving e-mails within --
22 certainly within two or three days, you would have
23 received this e-mail before you got the message from,
24 was it Mr. Saunders that told you about the RCO --

25 A. That's correct.

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1 Q. -- incident? Okay. So you certainly
2 received this e-mail before Mr. Saunders had informed
3 you about the RCO incident of, I believe it's
4 Saturday May the 27th. I stand corrected. I've been
5 saying May the 26th, but I think it too occurred on
6 the same date. So I would be correct Mr. Saunders
7 informed you of the RCO incident after you received
8 Plaintiff's Exhibit 2, the e-mail, that's in front of
9 you?

10 A. I think you're safe to say that because
11 normally around Memorial Day, and I do believe this
12 was around Memorial Day, if I can remember, I'm
13 always on vacation. So it just depends on whether I
14 was still in town or out of town, but I'm sure that I
15 probably read it either the latter part after
16 Memorial Day, but it would have been prior to
17 Mr. Saunders.

18 Q. I believe on Plaintiff's Exhibit 2 there
19 is a handwritten note here. It says, quote, E-mail
20 sent to Mr. Workman, no reply.

21 A. Uh-huh (affirmative).

22 Q. And I assume that handwritten note was
23 not on the e-mail that you received since it's an
24 electronic transmittal?

25 A. No, it wasn't.

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1 Q. Okay. And I think that my client will
2 testify that those are his notes that were on that
3 document that he applied.

4 A. Okay.

5 Q. You would agree this e-mail was sent to
6 you, but what I want to ask you is did Mr. Hollon
7 correctly note on here there was no reply by you to
8 this e-mail?

9 A. That's correct.

10 Q. Okay. And having received this e-mail,
11 sir, I know you've testified that you were over
12 personnel for the Atlanta division. Why didn't you
13 respond to the e-mail to Mr. Hollon?

14 A. I can't recall why I didn't respond to
15 the e-mail. I mean, it's not a case of where -- I
16 mean, there's e-mails I don't respond to in a lot of
17 times. I mean, it's just not Mr. Hollon.

18 Q. All right. So -- and I guess I'm asking
19 why didn't you respond to this e-mail with another
20 e-mail. I assume that you didn't respond with
21 another e-mail based on your recollection, correct?

22 A. That's correct.

23 Q. But did you respond by a letter?

24 A. No, sir, not that I'm aware of.

25 Q. Did you respond by a telephone call to

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1 Mr. Hollon --

2 A. No, sir.

3 Q. -- to this e-mail, Plaintiff's Exhibit 2?

4 A. Not after that date, no, sir.

5 Q. Okay. To this day, have you ever
6 responded to this e-mail to Mr. Hollon?

7 A. No, sir.

8 Q. Okay. Having read this e-mail, again and
9 refreshed yourself to this e-mail, do you know what
10 Mr. Hollon was talking about?

11 A. About the two respective places in terms
12 of where he -- that he submitted his resumé for?

13 Q. Uh-huh (affirmative).

14 A. Yes. I was aware that there was an
15 opening at both Montgomery as terminal manager and
16 Atlanta as assistant superintendent.

17 Q. Okay. So your response was not because
18 you didn't have sufficient information as to what he
19 was talking about, correct?

20 A. That's correct.

21 Q. Okay. Were you just too busy to respond?

22 A. I'd be speculating. I don't know. I
23 can't -- I can't recall whether I was too busy or
24 what.

25 Q. Okay. Did this e-mail upset you, sir?

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1 A. No, sir.

2 Q. Did it make you curious why he was
3 writing this e-mail and sending it to you?

4 A. Did it make me curious?

5 Q. Uh-huh (affirmative).

6 A. Well, I can say it didn't upset me, but I
7 can't remember whether it made me curious or not.

8 Q. Let me ask you this. Regarding this
9 e-mail, Mr. Hollon had been passed over for other
10 positions, hadn't he, sir, by you under you; is that
11 correct?

12 A. In what way?

13 Q. Well, I'm just asking, do you recall if
14 he had?

15 A. No.

16 Q. Okay. All right. Now, regarding this
17 e-mail, did this e-mail prompt you to retaliate
18 against Mr. Hollon?

19 MR. BARKER: Object to the form.

20 A. No, sir.

21 Q. And investigate and demote Mr. Hollon in
22 the June 19th, 2006 meeting?

23 A. No, sir.

24 Q. It didn't motivate you at all, sir?

25 A. No, sir.

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1 Q. Okay. All right. How old are you, sir?
2 What's your date of birth?

3 A. My date of birth is August 2nd, 1953.

4 Q. Okay. That makes you what, about 54
5 years old now?

6 A. That's correct.

7 Q. Okay. In 2006; 53? You have known
8 Mr. Hollon's age, haven't you, sir? Since you've
9 been the division manager in line, you've known his
10 age?

11 MR. BARKER: Is that a question?

12 Q. Yes. That's a question.

13 A. Do I know his exact age?

14 Q. Not exact. I'm talking about his...

15 A. I would be probably speculating in terms
16 of what I knew of his age.

17 Q. Since you have known Mr. Hollon, you knew
18 he was over 40 years old that was clear?

19 A. There's a lot of officers over 40
20 years --

21 Q. Now, I'm not talking about other
22 officers. I'm talking about Mr. Hollon. You knew
23 since you've known him that he was over 40 years old?

24 A. I would assume that he was over 40.

25 Q. Okay. And you assumed that in 2006,

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1 correct, sir?

2 A. Did I assume that?

3 Q. No. You would have assumed that in 2006,
4 that's last year, sir.

5 A. That he was in his 40s? Yes, sir.

6 Q. Okay. Thank you. Thank you. Now, do
7 you have a problem with older men working and older
8 people working for CSX, sir?

9 A. No, sir.

10 Q. Do you give advantages for people under
11 40 that work at CSX, employment advantages?

12 A. No, sir.

13 Q. Do you punish people over 40 at CSX --

14 A. Have we punished --

15 Q. -- because of their age?

16 A. -- because of their age?

17 Q. Yes, sir.

18 A. No, sir.

19 Q. You're not motivated by age whatsoever
20 are you, sir?

21 A. No, sir.

22 Q. You're agreeing with me that you're not
23 motivated by age whatsoever in making an employment
24 decision at CSX?

25 A. I'm telling you there was never ever in

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1 my mind in any decision that I made that was
2 motivated by age.

3 Q. Okay. At CSX?

4 A. At CSX.

5 Q. And that includes in the year 2006?

6 A. That's correct.

7 Q. Okay. All right. Is there a reason why
8 you are anybody in management like you would inquire
9 about somebody's age? Can you think of a reason?

10 A. Only for retirement purposes.

11 Q. Okay.

12 A. We may be in -- you know, in discussion
13 of how much time you've got with the railroad and
14 might be seeing how many more years you may have.

15 Q. Let's talk about eligibility for
16 retirement. What's eligibility for retirement? What
17 constitutes it, sir?

18 A. 55, if you're pension-wise you're a
19 company officer in the noncontract ranks that pay 55
20 plus 30.

21 Q. When you say noncontract ranks, you're
22 talking about nonunion ranks?

23 A. That's correct.

24 Q. 55 years old plus you have to have 30
25 years of service?

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1 A. That's correct.

2 Q. All right. And why would you be
3 inquiring about retirement for people?

4 A. Because, I mean, there's always going to
5 be attrition in, you know, any organization or any
6 company is going to be concerned about attrition.

7 Q. Does CSX have a policy that once you hit
8 55 years old and you've got 30 years with the
9 railroad, you have to retire?

10 A. No, sir.

11 Q. Mandatory retirement?

12 A. No, sir.

13 Q. It's the option of the employee to
14 continue to work at 55 assuming they're healthy
15 mentally and physically and want to continue to work,
16 they have that option --

17 A. Thank goodness.

18 Q. -- at CSX?

19 A. Yeah, thank goodness. They'll be here
20 the next year.

21 Q. And that was true in 2006, correct?

22 A. That's correct.

23 Q. That nonmandatory retirement policy was
24 in effect in 2006 at CSX, correct?

25 A. Again, yes.

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1 Q. Okay. All right. Now, you assume that
2 Mr. Hollon was certainly in his 40s last year, 2006,
3 that would be some ten years or so short of
4 retirement eligibility under CSX rules, right?

5 A. Again, if he's in his 40s, yes, sir,
6 that's right.

7 Q. Okay. What is the term out of park or
8 out-of-park meeting? That's a term I just heard
9 about in the railroad business and I don't know -- if
10 you could tell the court what does that mean and what
11 is that term?

12 A. Out of park was an initiative created by
13 the operational department of CSX to improve overall
14 operational performance within the organization.

15 Q. Is it like a big meeting or a big
16 gathering or a big kind of affair or party or
17 something?

18 A. No. Initially it was a meeting by the
19 senior leaders of our organization to decide how we
20 could better improve our, again, operational
21 performance whether it was originations or safety,
22 and out of that meeting of the senior leaders, an
23 initiative was created called out of park. It
24 concentrated on five separate policies, if you will.

25 Q. How often are out-of-park meetings held,

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1 sir, at CSX?

2 A. The initial ones we had this was -- May
3 of 2005 was the initial meeting that kicked off this
4 initiative. It was a three-day meeting.

5 Q. Where was it held, sir?

6 A. At Welaka.

7 Q. Pardon?

8 A. Welaka, Florida.

9 Q. Spell that, please?

10 A. W-e-l-a-k-a. It was an off-site meeting,
11 if you will, of the senior leaders.

12 Q. Between 2005 and 2007, how many
13 out-of-park meetings did CSX have in the Atlanta
14 division?

15 A. On the Atlanta division? Now, that's
16 separate. That would have been ones that I --
17 obviously.

18 Q. Well, the ones -- let's just strike that
19 question and ask about the ones that you were
20 involved with, the Atlanta division or not.

21 A. Approximately, I think, at least 15, 16,
22 meetings total.

23 Q. Okay.

24 A. Both system and division.

25 Q. Did you ever have out-of-park meetings in

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1 Atlanta, Georgia?

2 A. Yes, sir.

3 Q. And approximately when were those held?

4 A. We held them approximately about every
5 five to six weeks apart. Sometimes it would be a
6 month.

7 Q. Did Mr. Hollon ever attend --

8 A. Yes, sir.

9 Q. -- the Atlanta out-of-park meetings?

10 A. Yes, sir. He represented the Montgomery
11 terminal.

12 Q. Okay. In what capacity did he represent
13 the Montgomery terminal?

14 A. He was representing -- basically in the
15 absence of the terminal manager he was there to
16 represent the terminal itself.

17 Q. All right. Now, at some point in time he
18 became the terminal trainmaster at Montgomery,
19 Alabama, correct?

20 A. Correct.

21 Q. Do you know who he succeeded? Who was
22 the prior terminal trainmaster at Montgomery?

23 A. I don't know who Ron succeeded.

24 Q. And at the out-of-park meetings in
25 Atlanta, do you know if he was working as the

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1 terminal manager at Montgomery when he attended the
2 Atlanta --

3 A. No, sir, he was working as terminal
4 trainmaster.

5 Q. You know, I'm sorry. I'm reading
6 something and saying something else. He was the
7 terminal trainmaster when he -- at Montgomery,
8 Alabama when he attended the out-of-park meetings in
9 Atlanta --

10 A. That's correct.

11 Q. -- in 2006? Okay. And also in 2006 was
12 there an out-of-park meeting in Montgomery in April
13 of 2006?

14 A. Yes, sir. We had them at different
15 locations on the division.

16 Q. Did you attend that meeting, sir?

17 A. Yes, sir.

18 Q. Okay. And other than Mr. Hollon and
19 yourself -- he was the trainmaster at that time,
20 right?

21 A. He was the terminal trainmaster, yes,
22 sir.

23 Q. Okay. Terminal trainmaster. Other than
24 his attendance and your attendance, who else was
25 there.

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1 A. We had -- the representation from the
2 different terminals could range from an assistant
3 superintendent to a terminal trainmaster representing
4 a terminal because either the superintendent or the
5 assistant could not make it, or a terminal manager
6 from the other respective terminals could not make
7 it, so they would be there representing the terminal.

8 Q. Can you just rattle off some of the
9 names, if you recall?

10 A. Gary Jackson probably would have attended
11 as the terminal trainmaster out of Mobile for the
12 absence of the terminal manager. Tommy May, he was
13 terminal manager, he represented New Orleans. At
14 times he would bring another trainmaster with him.
15 Terminal Superintendent Scott Connor from Birmingham.
16 If he couldn't make it it was generally John Carnes
17 who was the assistant superintendent at that time.
18 Atlanta was either Bill Dunlap or Terry Walton would
19 attend. But we also had representation from -- they
20 had cross-functional departments as well from those
21 terminals.

22 Q. In these out-of-park meetings, did you
23 have people that were seasoned veterans of the CSX
24 Railroad System and also the younger managers, you
25 had a mix, didn't you?

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1 MR. BARKER: Object to the form.

2 A. We had a mix. I mean, it could have been
3 seasoned. It could have been, you know, could have
4 not have been because we were trying to get the
5 initiative down to the grass roots level, so it could
6 have been a mix.

7 Q. And you had managers that were low on the
8 management hierarchy and those up higher mixed there
9 again?

10 A. On their division, yes, sir.

11 Q. Okay. Approximately -- do you recall at
12 that meeting that -- do you recall in Montgomery an
13 out-of-park meeting in which there were only
14 Montgomery managers in April 2006? I think you
15 rattled off in the general when you had out-of-park
16 meetings, who would attend and you talked about
17 people in Mobile, New Orleans and Birmingham, et
18 cetera, but do you recall specifically an April 2006
19 out-of-park meeting in which it was a reward
20 meeting -- that was a reward meeting involving
21 Montgomery's winning of the first quarter out of the
22 park?

23 A. Yes, sir, I recall.

24 Q. Okay. And so having refreshed you of
25 this reward meeting, this out-of-park meeting of

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1 April 2006, that only involved Montgomery CSX manager
2 personnel, correct?

3 A. That's correct.

4 Q. And who would that have been from that
5 meeting?

6 A. That would have been Angie Averitte and
7 the terminal trainmasters. Angie was the terminal
8 manager.

9 Q. And who were the other people, do you
10 recall?

11 A. The mechanical representative should have
12 been there, and I can't recall whether they were or
13 not. I don't believe engineering showed up. Again,
14 that's been almost two years ago.

15 Q. Do you have a good recollection of that
16 meeting, sir?

17 A. Yes, sir. I attended that meeting to
18 basically indicate to the terminal group that I was
19 incorrect in terms of what reward that they would be
20 receiving as far as their position as number one
21 out-of-park competition for their level, which was
22 a -- basically a middle yard, flat yard competition.

23 Q. What did that reward -- what did you
24 initially think or tell them that reward was going to
25 be for them?

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1 A. I initially thought it was going to be
2 10- to \$15,000, into that neighborhood, for some of
3 the officers of that, that they would be sharing, but
4 the out-of-park process had changed and I
5 inadvertently never caught it thinking that it would
6 be like, you know, the prior quarter. So I came down
7 to indicate to them that, Hey --

8 Q. The bad news?

9 A. Yeah, the bad news and it was my fault
10 and I should have caught it.

11 Q. And what did you -- did you make kind of
12 a joke about it or tell them that they were getting
13 like a consolation prize or something?

14 MR. BARKER: Object to the form.

15 A. Not that I can recall there was never a
16 joke over this.

17 Q. Okay. Well, what did you tell them?

18 A. I indicated to them that -- you know,
19 that I would try my best maybe to get them, you know,
20 something else as a reward rather than just the
21 reward that they were going to have as far as
22 basically us paying for a party at their location.

23 Q. Okay. Of those people attending that,
24 I'll call it the reward or award meeting, out-of-park
25 meeting of April of 2006, you were over 40, Angie

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1 Averitte, the terminal manager was over 40, was she
2 not, correct?

3 A. Yes, sir, correct. I would assume she's
4 over 40.

5 Q. Okay. You would assume that back then,
6 too, that was a year ago, correct?

7 A. Uh-huh (affirmative).

8 Q. And Mr. Hollon, you've already said you
9 assumed in 2006 he was over 40. Now, anybody else in
10 attendance would you assume was over 40?

11 A. Roger Jackson. I would have assumed he
12 was in his 50s, and I would have assumed that Ron
13 Carr was in his 50s.

14 Q. Are those people that attended that
15 meeting?

16 A. Yes, sir.

17 Q. What was Mr. Carr's job at that time?

18 A. Terminal trainmaster.

19 Q. Okay. And what was Mr. Jackson's
20 position?

21 A. Terminal train -- Mr. Roger Jackson was
22 terminal trainmaster.

23 Q. What was Mr. Carr's again?

24 A. Terminal trainmaster.

25 Q. Okay. And they both were out of the

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1 Montgomery CSX office?

2 A. Yes, sir, that's correct.

3 Q. Okay. Now, did you ever tell the people
4 under 40, the younger people, that they had a bright
5 future --

6 MR. BARKER: Object to the form.

7 A. I can't recall.

8 Q. -- in that meeting?

9 A. I can't recall saying to anybody in there
10 that they had a bright future. Now, I mean, I felt
11 that the entire organization had a bright future, not
12 specifically anybody, because our organization
13 obviously at that time was improving. Our loads and
14 volumes was increasing, and I felt that as far as
15 where Montgomery was positioned that it had a bright
16 future. Now, specifically saying only certain people
17 did and others didn't, no, I didn't say that.

18 Q. You just testified you can't recall
19 turning to the younger managers and saying they had a
20 bright future, but can you recall in that meeting
21 asking Mr. Hollon how old he was, sir?

22 A. No, sir, I can't recall that.

23 Q. Okay. Well, we had asked you before you
24 started answering questions specifically about this
25 out-of-park meeting as to what would be your

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1 motivation as a manager, particularly your position
2 of division manager of the Atlanta division, to ask
3 an employee his or her age. If you had asked
4 Mr. Hollon his age in that meeting, would you recall
5 why?

6 MR. BARKER: Object to the form.

7 A. I can't recall asking Mr. Hollon his age.

8 Q. Okay. Would you know any reason to
9 question Mr. Hollon's recall of what you asked in
10 that meeting?

11 A. I have no reason to.

12 Q. Question his memory?

13 A. Yeah.

14 MR. ATCHISON: Okay. Let's take a short
15 break.

16 (Break taken.)

17 BY MR. ATCHISON:

18 Q. Okay. Back on the record, sir. The last
19 question I asked was did you know any reason to
20 question Mr. Hollon's recall of that meeting and when
21 I mean that meeting, I'm talking about the
22 out-of-park meeting of April 2006 in Montgomery,
23 Alabama?

24 A. Do I have any? I mean, no, I wouldn't
25 have any -- I have no idea what he was referring to,

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1 but if he says that I said it, I don't know.

2 Q. If he says he has a specific recall of
3 that meeting, would you have any reason to question
4 his specific recall of that meeting of April 2006 in
5 Montgomery, Alabama?

6 MR. BARKER: Object to the form.

7 A. I mean, again --

8 Q. You didn't note him under drugs or
9 intoxicated or anything like that during that
10 meeting, of course?

11 A. No.

12 Q. He didn't look like he was asleep in that
13 meeting, did he? I mean, there's no reason for you
14 to question his recall of that meeting, am I correct?

15 A. No, he was not asleep. Nobody was.

16 Q. Okay. He appeared alert in taking in the
17 meeting, correct?

18 A. Correct.

19 Q. Okay. Great. Now, in that meeting, that
20 was regarding the matter of the award that you
21 thought you were able to give to the managers and you
22 were explaining to them indeed you had made a
23 mistake, correct? Was there any question or issue in
24 that meeting regarding retirement matters?

25 A. First of all, to answer your first

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1 question, correct. The second issue as far as
2 retirement issues, we may have had a discussion about
3 that. I can't recall any specifics as far as talking
4 about, you know, retirements, but I knew that there
5 would be attrition at Montgomery downstream. That
6 there had been some discussion by a couple of the
7 officers to Angie who had indicated they may be
8 stepping down in a couple of months or so, but other
9 than that --

10 Q. Okay. My specific question is, did
11 you -- let's just do this. My specific question to
12 you is, did you mention at that meeting any issue
13 regarding retirement matters?

14 A. Issues regarding -- no.

15 Q. Okay. Thank you. Now, sir, I asked you
16 about Plaintiff's Exhibit 2. It was an e-mail sent
17 to you by Mr. Hollon on May the 27th, 2006. Okay.
18 I'm going to mark another exhibit as Plaintiff's
19 Exhibit 3.

20 (Plaintiff's Exhibit-3 was marked for
21 identification.)

22 Q. Sir, I do not see a cc to you on this
23 e-mail, am I correct?

24 A. That's correct.

25 Q. Okay. Now, if you would read the e-mail,

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1 noneththeless. Have you had a moment to read it?

2 A. Yes, sir.

3 Q. It's addressed to Mr. Frulla,
4 F-r-u-l-l-a. Who is Mr. Frulla?

5 A. The division manager for the Jacksonville
6 division.

7 Q. Okay. It's also cc'd or sent to Jack
8 Frost. Who is he, sir?

9 A. Jack Frost was the manager -- at that
10 time he was the manager of human resources for the
11 Southern Division.

12 Q. Indeed that Jack Frost is the same Jack
13 Frost that attended the June 19th, 2006, meeting at
14 Montgomery in which Mr. Hollon was demoted?

15 A. That's correct.

16 Q. Okay. And it's also addressed to Angie
17 Averitte. And she was the manager -- terminal
18 manager at Montgomery at that time of May 27, 2006?

19 A. No, sir. She was manager of operating
20 practices for the Atlanta division.

21 Q. She had been transferred at that point?

22 A. Yes, sir.

23 Q. Okay. All right. Now, regarding this
24 exhibit -- Plaintiff's Exhibit 3, did you or --
25 excuse me, did Mr. Frulla ever discuss the matters

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1 involving this e-mail, Plaintiff's Exhibit 3, with
2 you?

3 A. No, sir.

4 Q. Did Mr. Jack Frost ever discuss the
5 matters involving this e-mail with you?

6 A. Not that I can recall.

7 Q. Did Ms. Angie Averitte ever discuss the
8 matters of this e-mail with you?

9 A. Not that I can recall.

10 Q. Okay. I see there's a handwritten note
11 that we will represent as Mr. Hollon's on the bottom.
12 It says: E-mail sent about Pensacola job.

13 I believe this is the same day of the
14 remote control. Do you see that handwritten
15 statement?

16 A. Uh-huh (affirmative).

17 Q. Does this refresh you that indeed this is
18 the same date of the remote control incident?

19 A. According to what documents I've seen it
20 was May 27th.

21 Q. Okay. The remote control incident was?

22 A. Yes, sir.

23 Q. Okay. Very good. Did you ever consult
24 with or talk to Jack Frost regarding -- let's go back
25 to Plaintiff's Exhibit 2.

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1 A. Yes, sir.

2 Q. Do you see Plaintiff's Exhibit 2? That's
3 another e-mail that was sent to you by Mr. Hollon. I
4 see it's cc'd to Jack Frost. Did you ever discuss
5 the matter involving this e-mail with Jack Frost?

6 A. No, sir.

7 Q. Did you ever discuss the matter of
8 Plaintiff's Exhibit 2 with Angie Averitte?

9 A. Not that I can recall.

10 Q. Okay. Prior to this e-mail date of May
11 the 27th, 2006, did you ever have any knowledge of
12 any disciplinary matters involving Mr. Hollon?

13 A. No, sir.

14 Q. Prior to that date, did his record ever
15 reflect any disciplinary matters?

16 A. Not that I'm aware of.

17 Q. He had been with CSX a good quarter of a
18 century at that point, 25 years, right?

19 A. Again, I haven't looked at Ron's --

20 Q. Approximately --

21 A. Okay.

22 Q. -- you'd agree? And you knew of no
23 disciplinary matters?

24 A. No.

25 Q. Okay. All right. Does CSX -- well, did

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1 CSX have at that time have what we call a progressive
2 discipline system?

3 A. Yes, sir.

4 Q. Okay. And what did that entail, if you
5 could tell the court?

6 A. It was an -- it had the type disciplinary
7 policy that was basically for noncontract employees.

8 Q. Okay. And when you say noncontract
9 employees, you're talking about nonunion employees,
10 correct?

11 A. Excuse me, for contractual employees.
12 I'm sorry.

13 Q. Okay. For contractual employees?

14 A. That's correct.

15 Q. Okay. And the contractual employees are
16 what type of employees? Are those the union
17 employees?

18 A. That's correct.

19 Q. Okay. And so did CSX in 2006 have a
20 progressive discipline procedure for managers such as
21 yourself and Mr. Hollon, et cetera?

22 A. None that I'm aware of.

23 Q. Okay. No guidelines, no policy, no
24 procedure?

25 A. It would probably be based upon the

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1 infraction itself, the significance of it.

2 Q. Okay. Just a question of the discretion
3 of the manager who is making the decision?

4 A. Yeah. It's a matter of leadership. It's
5 a matter of -- you're the one that basically sets the
6 example, credibility.

7 Q. Okay. All right, sir. Earlier on in
8 your deposition we talked about several decisions
9 that Mr. Pendergrass affirmed or made a final
10 decision where you made recommendations to demote.
11 The first, I think you mentioned, was Mr. Snapp. Who
12 is Mr. Snapp, please?

13 A. Mr. Snapp was the terminal manager at
14 Mobile, Alabama.

15 Q. Okay. And did you recommend his
16 demotion?

17 A. I recommended -- based upon the facts
18 that I had submitted to Mr. Pendergrass,
19 Mr. Pendergrass made a decision on the facts as to
20 what the decision would be rendered against
21 Mr.. Snapp.

22 Q. Okay. When approximately was there an
23 incident involving Mr. Snapp that led to his
24 demotion?

25 A. The initial incident apparently occurred

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1 in December or January of 2006. I was made aware of
2 it in about March of 2006.

3 Q. March of 2006 --

4 A. (Nods head affirmatively.)

5 Q. -- the decision made?

6 A. Well, that's when I was made aware of it.

7 Q. And the incident occurred when, sir, I'm
8 sorry, I was shuffling paper?

9 A. If I remember, the incident, if I can
10 recall, it was the latter part of December, early
11 January of 2006, latter part of December 2005.

12 Q. What was the incident, sir?

13 A. The incident was where we had a crew in
14 Mobile, Alabama who was taking in an early quit and
15 had made prior arrangements with the relieving crew
16 to use their pin numbers, enter an FRA screen, which
17 is a time screen, and sign their time off.

18 Q. Do you know who was on the crew?

19 A. Huh?

20 Q. Do you know who was on the crew?

21 A. I recall the conductor, the yard foreman,
22 Charlie and I can't think of Charlie's last name. I
23 just know him as Charlie.

24 Q. All right. And the conductor, what was
25 his name?

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1 A. That's the yard foreman. They're
2 synonymous. Yard foreman, conductors are synonymous.

3 Q. Oh, I see. Okay. Well, who was that
4 please?

5 A. Charlie, and I can't remember Charlie's
6 last name. I can't recall it.

7 Q. In that time frame, was Charlie under 40
8 or over 40?

9 A. Charlie was approximately 60 -- about 59,
10 60 years old.

11 Q. All right. And who else was in that
12 crew?

13 A. There was -- there was three others, but
14 I can't recall their names. I can't recall their
15 names without bringing up the paperwork. I wouldn't
16 recall.

17 Q. Do you recall what positions they had?

18 A. Yeah, a locomotive engineer. You had two
19 field brakemen.

20 Q. The way that CSX is set up, was the
21 locomotive engineer and the two field brakemen union
22 people?

23 A. Yes, sir.

24 Q. Okay. Was the conductor union or not?

25 A. Yes, sir, he was union.

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1 Q. Union or a contract employee, right?

2 A. Correct.

3 Q. And regarding that incident, was the only
4 person in management Mr. Snapp?

5 A. No, sir.

6 Q. All right. Who else in management was in
7 this matter, involving this matter?

8 A. There was terminal trainmasters.

9 Q. Who was that?

10 A. Mike Eyler.

11 Q. Spell Eyler.

12 A. E-y-l-e-r.

13 Q. And he was terminal trainmaster?

14 A. That's correct.

15 Q. And was he at that time over 40 or under
16 40?

17 A. I would assume Mike is probably -- again,
18 I'm assuming, I would say he's probably about 40.

19 Q. And who else was involved?

20 A. Ray Billingsley.

21 Q. What was his position?

22 A. Terminal trainmaster.

23 Q. Under 40 or over 40 at that time?

24 A. Again, I'd be assuming that he was under
25 40, but that would be an assumption.

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1 Q. Okay. Anybody else involved in the Snapp
2 incident?

3 A. Gary Jackson was the terminal trainmaster
4 there. I'm not sure that he was involved in it, but
5 he was at Mobile at the time and he was a terminal
6 trainmaster.

7 Q. Under 40 or over 40?

8 A. Gary is over 50.

9 Q. Okay. Anybody else involved in that
10 incident, to your knowledge, the Snapp matter of
11 where the crew --

12 A. Not that I'm aware of. Nobody else that
13 I'm aware of.

14 Q. Okay. All right. Now, in that incident,
15 was Mr. Snapp the only person that was demoted or
16 disciplined?

17 A. That's correct.

18 Q. Okay. Okay. All right. And what was
19 Mr. Snapp's age approximately at that time?

20 A. Again, I'd be assuming that Alan was
21 close to 50.

22 Q. And that was your assumption at that
23 time?

24 A. Yes, sir.

25 Q. All right. I'll come back to these

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1 documents. We're trying to put them together in a
2 logical way for you.

3 Now, you talked about -- and in this
4 Snapp matter this is one in which Mr. Pendergrass
5 decided to ultimately demote Mr. Snapp after you
6 recommended his demotion, that's correct?

7 A. Mr. Pendergrass made the decision to
8 demote Mr. Snapp based upon the facts that was given
9 to him by myself and an investigative team.

10 Q. Okay. All right. Who was on the
11 investigative team, by the way?

12 A. He had Allison Brown, who was out of
13 human resources and Mike Monley who was general
14 manager of terminals.

15 Q. Okay. All right. Well, let's go to the
16 next incident. Just a moment. Since we've got our
17 documents together, I'm going to stay with this
18 incident for the time being.

19 (Plaintiff's Exhibit-4 was marked for
20 identification.)

21 Q. I have marked as Plaintiff's Exhibit 4
22 documents that were provided to us by CSX and they
23 are Bates-stamped 586 through 592. If you would look
24 at the Bates stamp of this Composite Exhibit No. 4,
25 Bates stamp 590. Do you see it?

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1 A. Uh-huh (affirmative).

2 Q. Is this talking about the incident you've
3 been referencing in your testimony this morning just
4 now?

5 A. Which one are you talking about?

6 Q. Bates stamp 590, sir, of Plaintiff's
7 Exhibit 4.

8 A. Okay. I see what you're saying. Okay.
9 Yes, sir.

10 Q. I see this is cc'd from Alan Snapp to
11 Mike Pendergrass and to you.

12 A. That's correct.

13 Q. First off, did you receive this document?

14 A. Yes, sir, we did.

15 Q. You received it yourself, right?

16 A. Yes, sir.

17 Q. Okay. All right. And is this regarding
18 the matter that you've just testified about Mr. Snapp
19 and him being demoted?

20 A. Yes, sir, that's correct.

21 Q. Okay. All right. Thank you. Now, we'll
22 move on to Ed McClellan. I believe you testified in
23 your earlier testimony that Ed McClellan was demoted
24 based on your recommendation in which Mr. Pendergrass
25 made the final decision to demote him; is that

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1 correct?

2 A. That's correct.

3 Q. And what was that incident about, sir?

4 A. We had a crew, a local, that originated
5 out of Cartersville, Georgia -- I can't remember the
6 exact number of the local -- who was in the process
7 of switching a customer at Kennisaw, Georgia. At
8 that location they had to make a static drop in order
9 to spot the car. In the process of conducting a
10 static drop, the car got away from the crew and
11 started down a 1 percent grade towards Kennisaw and
12 Marietta, Georgia.

13 And the engineer made an attempt to catch
14 the car while it was traversing down this 1 percent
15 grade, and when he came around the corner the car had
16 already went into a bowl shape and started back at
17 him and when he coupled to the car he damaged the
18 locomotive.

19 The crew immediately notified the
20 trainmaster. The trainmaster called the manager of
21 operating practices, who was Ed McClellan, who lived
22 in that vicinity and who apparently dropped by and
23 stopped by and interviewed the crew with the
24 trainmaster as well as assessing the situation and
25 came to the conclusion to advise the trainmaster that

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1 it wasn't -- how can I say it, it wasn't -- there
2 wasn't a need to report it because it was -- did not
3 consist of a derailment.

4 Q. What are the rules on derailment
5 reporting?

6 A. Derailment reporting does include an
7 incident, and this was an incident, where there is
8 monetary damage to equipment or facilities, i.e.,
9 track. In this instance there was damage to the
10 locomotive.

11 Q. Okay. But it wasn't a derailment, was
12 it, sir?

13 A. That's correct.

14 Q. It did not go off the tracks, correct?

15 A. That's correct.

16 Q. The car that went down the 1 percent
17 grade did not leave the tracks?

18 A. That's correct. The car was not damaged.

19 Q. So it wasn't --

20 A. The locomotive was.

21 Q. -- derailment, we have established, and
22 therefore it was not under any mandatory derailment
23 reporting rules from CSX or FRA or anybody?

24 A. It was under --

25 MR. BARKER: Object to the form.

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1 A. It was under mandatory reporting as a
2 result of damage to the locomotive.

3 Q. What rule is that, sir?

4 A. It's -- I'd have to go back and check the
5 rules for you, but it's a requirement that if you
6 have damage to a locomotive or equipment or
7 facilities as a result of a said incident, it has to
8 be reported in the proper way.

9 Q. Okay. At the time of that incident, when
10 did that occur, sir?

11 A. January of 2006.

12 Q. At the time of that January 2006
13 incident, how old was Ed McClellan? Was he over 40
14 or under 40?

15 A. Ed was approximately -- and again, I'm
16 assuming, he was approximately about 59 years of age.

17 Q. All right. Is there a threshold amount
18 of damage to equipment that CSX requires in
19 reporting?

20 A. No.

21 Q. So if I go up to a piece of equipment and
22 I'm an employee and I do a minor scratch on it, I
23 have to report that?

24 A. Yes, sir, that's correct. If you had a
25 sideswipe or if you -- if you have a sideswipe. If

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1 you do any damage to facilities no matter if it's ten
2 bucks, five bucks, you've got to report it.

3 Q. At the time of Ed McClellan's demotion,
4 how many years had he worked at CSX?

5 A. Approximately, I would think, about --
6 again, I'm assuming approximately about 40 years.

7 Q. About 40 years?

8 A. Yes, sir.

9 Q. And at the time of his demotion, what was
10 his position, sir?

11 A. He was manager of operating practices.

12 Q. At the time of that incident of January
13 of 2006, where did it occur, sir?

14 A. Kennisaw, Georgia.

15 Q. And you were over the Kennisaw, Georgia
16 facility as the manager of the Atlanta district?

17 A. I overseen the operation for the Atlanta
18 division which encompassed Kennisaw, Georgia.

19 Q. Correct. Okay. And therefore you would
20 have been a supervisor of Ed McClellan at that time?

21 A. Ed McClellan directly reported to me.

22 Q. And you're agreeing with me?

23 A. Yes, sir.

24 Q. Okay. And at the time of that incident,
25 what was the monetary value of the damage to the

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1 locomotive?

2 A. I can't recall a total amount, but I
3 would say it was probably over 10,000.

4 Q. What was damaged?

5 A. The snowplow and the pilot, which is
6 basically the snowplow. The pilot of that -- the
7 locomotive was damaged significantly and the front
8 end was buckled.

9 Q. At the time of his demotion, do you know
10 Mr. McClellan's disciplinary history?

11 A. No, sir.

12 Q. At the time of his demotion when you
13 recommended that he be demoted and you made this
14 recommendation to Mr. Pendergrass, I assume that you
15 reviewed his personnel file before you made that
16 recommendation, did you not?

17 A. No, sir, I didn't, but again, as I've
18 indicated before, it was based upon the facts of the
19 case.

20 Q. Okay. But I'm not asking about the facts
21 of the case.

22 A. I already indicated, no, sir, I did not
23 review his past history.

24 Q. Okay. At the time of the demotion, was
25 there an investigation?

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1 A. Yes, sir.

2 Q. Okay. Did anyone in the investigation
3 review his prior disciplinary history in his
4 personnel file?

5 A. I'm sure that -- again, I'm not sure. I
6 can't say. I'd be speculating. I don't want to
7 speculate, but I'm sure human resources was engaged
8 as well.

9 Q. At the time of his demotion, did you ever
10 have anyone report to you in this investigation as to
11 the history of his disciplinary background of the 40
12 something years that he had worked with CSX or with
13 the railroad?

14 A. No, sir.

15 Q. Okay. So you made this recommendation to
16 demote without knowledge of his prior employment
17 history?

18 A. I made a recommendation that discipline
19 be assessed as a result of the facts of this case.

20 Q. And did not consider whatsoever his prior
21 employment history?

22 A. That's correct.

23 Q. Okay. Was anyone else disciplined
24 regarding this matter of January 2006 --

25 A. Yes, sir.

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1 Q. -- involving -- who else?

2 A. The crew.

3 Q. And who was that?

4 A. The engineer, was Gravely, and the
5 conductor, I can't remember his name, but I remember
6 the engineer.

7 Q. G-r-a-v --

8 A. -- e-l-y.

9 Q. Is that a union position? I keep on
10 asking you these questions.

11 A. Yes, sir.

12 Q. And who else was disciplined?

13 A. The conductor.

14 Q. Another union position?

15 A. Yes, sir.

16 Q. And his name?

17 A. I can't remember his name. That's
18 something you'd have to go back and get the records.

19 Q. Another union position?

20 A. Yes, sir.

21 Q. Okay. And whenever I say his name, I
22 hope that you understand it could be a female crew
23 member as well?

24 A. Yes, sir, that's correct, but it wasn't
25 in this case.

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1 Q. Okay. Is there anything else you know
2 about the Ed McClellan demotion incident that
3 happened in January of 2006 that you haven't told the
4 court?

5 MR. BARKER: Object to the form.

6 Q. Anything else you can recall about it?

7 MR. BARKER: Object to the form.

8 A. Not that I can recall.

9 Q. Okay. Now, you talked about Mr. Snapp
10 and Mr. McClellan, those two demotions. You've
11 mentioned other demotions as well, and I'd like to
12 try to get into those. Angie Averitte, that was a
13 demotion?

14 A. No, that was a lateral move.

15 Q. Okay. Well, let's talk about that. When
16 did that occur, sir?

17 A. That occurred about March or -- I'd say
18 about March, April of 2000. It would be about March
19 2006.

20 Q. Okay. And what was her position before
21 she was moved?

22 A. She was terminal manager at Montgomery,
23 Alabama.

24 Q. And where was she moved to?

25 A. Atlanta, Georgia.

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1 Q. And what was that position?

2 A. Manager of operating practices.

3 Q. Was that a position that reported to you?

4 A. Yes, sir, as far as the manager of
5 operating practices.

6 Q. And the terminal manager was a
7 position --

8 A. She reported to the assistant division
9 manager.

10 Q. And then the assistant division manager
11 would report to you, so ultimately --

12 A. That's correct.

13 Q. -- she would have reported to you in the
14 hierarchy of command?

15 A. Yeah, and the hierarchy is the terminal
16 manager reported to the ADMs. The ADMs reported
17 directly to the division manager.

18 Q. Okay. Why was Ms. Averitte, in March of
19 2006, moved from the terminal management position in
20 Montgomery, Alabama to the position of manager of
21 operational practices in Atlanta?

22 A. She was moved as a result of having a
23 close relationship with someone that worked directly
24 for her.

25 Q. That was not considered a disciplinary

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1 action, was it, sir?

2 A. No, sir. And it was in reference to
3 company policy.

4 Q. Okay. And that was the extent of the
5 reason why she was moved?

6 A. Yes, sir.

7 Q. Okay. Did she lose any pay in that move?

8 A. No, sir.

9 Q. Okay. All right. And Mr. Pendergrass
10 agreed with that recommendation of yours, correct?

11 A. That's correct.

12 Q. All right. We have an incident of, I
13 believe, John or William Faulkner --

14 A. Yes, sir.

15 Q. -- in Birmingham. What was that
16 incident?

17 A. Same as Ms. Averitte. Mr. Faulkner was
18 the terminal trainmaster in Birmingham, Alabama and
19 he had reporting to him a yardmaster, which was his
20 son as well as a locomotive engineer, so we placed
21 John out on a position as a line of road trainmaster
22 where neither would report to him. In regards,
23 again, to company policy.

24 MR. ATCHISON: Okay. All right. This is
25 a good time for me to break with my notes, so

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1 let's break and have lunch. And we'll get back
2 on the record.

3 (Break taken.)

4 BY MR. ATCHISON:

5 Q. All right, sir. We're back on the
6 record. I'd like to show you what has previously
7 been marked as Composite Exhibit Plaintiff's 5. It
8 has Bates stamps D-563 through D-584.

9 (Plaintiff's Composite Exhibit-5 was marked
10 for identification.)

11 Q. Okay. Sir, have you had an opportunity
12 to review --

13 A. Yes, sir.

14 Q. -- the Composite Exhibit Plaintiff's 5?
15 On the top of the exhibit, Bates stamp 563, is a
16 document. Do you know who generated this document,
17 563, Bates stamp 563?

18 A. I can't remember who did this one, no.

19 Q. Okay. Would you, having reviewed
20 Plaintiff's Exhibit 5 that's a Composite Exhibit, say
21 or state these exhibits are regarding Mr. McClellan
22 and/or the January 2006 train accident in -- scenario
23 that you've testified about immediately before lunch?

24 A. Yeah, this is the overall investigative
25 facts in regards to that incident.

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1 Q. Okay. All right. Thank you. I'm not
2 sure if I asked you this, but how -- at the time of
3 the John William Faulkner transfer where he was moved
4 to Birmingham because of the supervision of his son
5 to another locale, how old was he at that time? Was
6 he over 40?

7 A. Yes, sir.

8 Q. Okay. And you already testified
9 previously that in the remote control operation
10 incident that happened on May the 27th, T.J. Dean was
11 involved in that incident, correct?

12 A. That's correct.

13 Q. -- involving -- also involving
14 Mr. Hollon? And Mr. T.J. Dean at that time was over
15 40, was he not?

16 A. That's correct.

17 Q. And you knew that at the time?

18 A. I assume that he was over 40.

19 Q. Okay. All right. Now, at the start of
20 your deposition, you mentioned the Snapp disciplinary
21 action, Snapp was over 40, the Ed McClellan
22 disciplinary action and you've testified just
23 recently that he was over 40, right?

24 A. That's correct.

25 Q. Okay. The Angie Averitte lateral

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1 transfer and she was over 40. The John Faulkner
2 incident and he was over 40 and the incident
3 Mr. Hollon was involved with at -- we call it the RCO
4 incident, involving both he and Mr. T.J. Dean and
5 both of which you knew were over 40 at that time?

6 A. I assume that they were all over 40, yes,
7 sir.

8 Q. Okay. All right. Were there other
9 disciplinary instances that you may have left off
10 that list when you initially talked about demoting
11 people and/or --

12 A. There may have been, but I can't recall
13 them.

14 Q. Or instances where demotion was
15 considered?

16 A. There may have been, but I can't recall
17 them.

18 Q. Okay.

19 (Plaintiff's Exhibit-6 was marked for
20 identification.)

21 Q. To refresh your recollection, I'd like to
22 show you what has been previously marked as
23 Plaintiff's Exhibit 6 and it's also Bates-stamped
24 000593 or I'll just call it 593.

25 A. Okay.

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1 Q. Okay. What is this document, Plaintiff's
2 Exhibit 6? It's a statement that says, quote, To
3 whom it may concern. And it looks like it's cc'd to
4 you, among others, and Mr. Pendergrass. What is this
5 document, please, sir?

6 A. It was an anonymous letter that was sent
7 to Mr. Ward and Mr. Ingram.

8 Q. And you received a copy of it?

9 A. That's correct.

10 Q. And Mr. Ward was the CEO of CSX
11 Transportation at the time?

12 A. That's correct.

13 Q. And this document is about the Alan Snapp
14 incident, is it not?

15 A. That's correct.

16 Q. And it also, I guess you could say,
17 points a finger at a person named Ray Billingsley.
18 Who is Ray Billingsley?

19 A. Ray Billingsley was the terminal
20 trainmaster at Mobile, Alabama.

21 Q. All right. Did he report to Mr. Snapp?

22 A. Yes, sir.

23 Q. At the time that you recommended the
24 demotion of Mr. Snapp, had you received a copy of
25 this document?

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1 A. This document was submitted to us prior
2 to the demotion, yes, sir.

3 Q. Okay. And Mr. Ray Billingsley at the
4 time that you received this document, he was under
5 40, wasn't he?

6 A. I would assume that he was or close to
7 40. I'm not sure.

8 Q. And you would assume that as of 2006 when
9 this incident happened with Mr. Snapp?

10 A. I would assume that he was close to 40.
11 I'm not sure.

12 Q. Okay. Did Mr. Ray Billingsley get
13 demoted?

14 A. No, sir.

15 Q. Did you recommend that he get demoted?

16 A. No, sir.

17 Q. Okay. Did you investigate his
18 participation in this matter that Mr. Snapp got
19 demoted in?

20 A. Yes, sir.

21 Q. And what was your findings about Ray
22 Billingsley's involvement?

23 A. Ray Billingsley was not involved in
24 regards to the said incident that led to Mr. Snapp's
25 demotion.

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1 Q. All right. It states in that document,
2 quote, Ray Billingsley is showing that he tested that
3 crew at 1458. Now, how is this possible? How can
4 you observe a crew that is not there, end of quote.

5 A. The said incident or the said allegation
6 in this anonymous letter is separate and away from
7 the issue at hand with Mr. Snapp.

8 Q. Okay.

9 A. We did investigate Mr. Billingsley in
10 regards to this allegation in this particular
11 anonymous letter.

12 Q. And what did you find?

13 A. We found that there was no substance to
14 it.

15 Q. Was it not true that Ray Billingsley
16 reported either orally or in writing that he tested
17 the crew at 1458?

18 A. When we investigated the said incident,
19 Mr. Billingsley, when he entered into his operational
20 test in the main frame, he inadvertently put the
21 wrong date in the main frame, so when we did our
22 follow-up investigation to determine what had
23 happened here, because obviously we had an
24 allegation, we came to the conclusion that he had not
25 falsified documentation. That he had inadvertently

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1 put a wrong date in the test.

2 Q. Okay. The reference to 1458, is that a
3 reference to a date or a time, sir?

4 A. 1458 is a reference to time.

5 Q. Okay. That would be a military time
6 reference?

7 A. Correct.

8 Q. And that's not a reference to a date, is
9 it?

10 A. Yes, sir, that's a reference to a date
11 because it references what's ahead.

12 Q. Are you telling the court that the 1458
13 was a time entry that he made for another date?

14 A. The same date. If you read this it says,
15 a crew the Y10217 on March 17, 2006 put off at 1130.
16 Ray Billingsley is showing that he test that crew at
17 1458. That crew. On that date.

18 Q. Okay. All right. But it is clear that
19 you did not make a recommendation of his -- any
20 disciplinary action against --

21 A. There was no grounds to do it.

22 Q. Okay. And you're agreeing with me that
23 you did not recommend that he be disciplined in this
24 matter?

25 A. That's correct, because there was no

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1 grounds to do it.

2 Q. Okay. Thank you. All right, sir, do you
3 recall an incident involving Rod Dunlap, a
4 trainmaster in Montgomery, that was caught sleeping
5 in his vehicle with his shoes off?

6 A. Yes, sir, I recall it.

7 Q. Was he disciplined?

8 A. No, sir.

9 Q. What was his age, sir?

10 A. I assume Rod is around 40.

11 Q. Around 40. Do you know if he's under --
12 as of the date of the incident under or over 40?

13 A. I would say he might be under. Close --
14 he's going to be close to 40. Again, I'm assuming.
15 I'm not sure.

16 Q. When did that incident happen?

17 A. I can't remember the exact date and time
18 on that incident, but I do know that Angie Averitte,
19 the terminal manager, had contacted me about the said
20 situation. And I asked Angie how did she want to
21 handle it since this individual reports to her. It
22 was not a falsification of documents or anything of
23 that sort. Angie said that she wanted to handle this
24 personally with him one-on-one, which she did.

25 Q. Okay. All right. Do you recall whether

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1 Angie Averitte suggested any demotion or discipline
2 other than what you've referenced?

3 A. She did not recommend any discipline or
4 demotion. She did indicate that she was going to
5 have a personal discussion with him and enter it into
6 his record.

7 Q. Do you recall an incident involving John
8 Carnes, assistant superintendent, Birmingham,
9 Alabama, where he was accused of assaulting a female
10 yardmaster?

11 A. Yes, sir.

12 Q. When was that, please?

13 A. I want to say March or April of 2006 if I
14 remember.

15 Q. Do you recall whether or not he was
16 arrested for that matter?

17 A. Yes, sir, he was.

18 Q. And was he under 40 or over 40 at the
19 time of the incident?

20 A. John was around 40.

21 Q. So you don't know whether he was under or
22 over?

23 A. I would assume that he was around 40
24 years of age. He may have been a little less than
25 40.

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1 Q. Sir, in all of these questions I've asked
2 you about the age of the employees, you had that
3 available to you. You were available to find out
4 that through CSX's records if you chose? It was
5 readily available?

6 A. Yeah, it was readily available but it was
7 not -- you know, it was no need to know.

8 Q. Okay. Regarding the John Carnes
9 incident, what disciplinary action, if any, was
10 taken?

11 A. There was no need to take disciplinary
12 action against John Carnes. The facts did not
13 support discipline.

14 Q. So you found that he didn't assault the
15 female yardmaster?

16 A. That's correct.

17 Q. Do you know what happened regarding his
18 criminal case?

19 A. Yes, sir, it was throwed out.

20 Q. Okay. Do you know of an incident that
21 happened in New Orleans in which there was an
22 altercation between a trainmaster and a yardmaster?

23 A. There was never an altercation between a
24 trainmaster and a yardmaster.

25 Q. It never happened?

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1 A. No, sir.

2 Q. Do you know if there was any allegations
3 regarding an altercation between a trainmaster and a
4 yardmaster?

5 A. No, sir.

6 Q. You don't know what I'm talking about?

7 A. No, sir, not as far as a trainmaster,
8 yardmaster.

9 Q. Okay. Well, do you know any allegation
10 of an altercation or fighting between anybody in
11 management in New Orleans during the time period that
12 you were district manager over the Atlanta division?

13 A. There was no altercation, fighting
14 between any trainmasters or noncontract employees
15 while I was division manager of the Atlanta division
16 at New Orleans.

17 Q. During the time that you worked as
18 division manager of the Atlanta division, I think you
19 said it was 2005 or the first of 2007, like around
20 that time period?

21 A. That's correct.

22 Q. How would you have described Mr. Hollon's
23 work ethic, loyalty and devotion to CSX?

24 MR. BARKER: Object to the form.

25 Q. If you want me to break that down into

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1 separate questions I'll be happy to.

2 A. Would you, please.

3 Q. Work ethic, how would you describe Mr.
4 Hollon's work ethic?

5 A. I didn't have a problem with it.

6 Q. No problem. In other words no
7 violations? Okay. Locality and devotion or just say
8 loyalty and devotion?

9 MR. BARKER: Object to the form.

10 Q. Loyalty and devotion to CSX, how would
11 you describe that?

12 A. I didn't have an issue with it.

13 Q. No problem, correct?

14 A. As far as my concern there was no issue.

15 Q. Okay. Did Mr. Hollon ever get a Spot
16 Award for an out-of-park initiative?

17 A. Yes, sir.

18 Q. And what was that, please?

19 A. I think it was for \$1000 and it was
20 submitted by the performance improvement group here
21 in Jacksonville.

22 Q. And when did he receive it, sir?

23 A. I don't know when he received it. I just
24 know that Mr. Murphy, John Murphy had indicated that
25 he was going to submit him a Spot Award.

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1 Q. Was it after or before his demotion of
2 June 19th, 2006?

3 A. It was before.

4 Q. Do you know how much before it was?

5 A. Maybe a month or two.

6 Q. We started out this deposition with
7 showing you the lawsuit and it's got a red tab on it.
8 I think it's 23 --

9 A. Yes, sir.

10 Q. -- Defendant's Exhibit 23. Attached to
11 that package is another red tab and it's, I believe,
12 Defendant's 17 and there's an EEOC charge. See if
13 you can flip to there.

14 A. Right here?

15 Q. Yeah. Yeah. Do you recall on June 19,
16 2006, the meeting that occurred between you,
17 Mr. Frost Mr. Hollon and Mr. Dean whether or not
18 Mr. Hollon presented to you an EEOC charge whether
19 draft or otherwise?

20 A. Yes, sir, he did submit this charge. At
21 that time I handed it over to Mr. Frost who was human
22 resources, to handle.

23 Q. Let's talk about that meeting. Now,
24 again, what was the first thing said in that meeting?
25 Was it said by you, the opening of the meeting?

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1 A. I would think so.

2 Q. What did you say, sir?

3 A. That we were here to -- I mean, I can't
4 exactly remember verbatim.

5 Q. Your best recollection.

6 A. Probably I would have opened it up by
7 saying that we were here to discuss the issue that
8 had transpired in reference to the incident.

9 Q. The RCO incident --

10 A. Yes, sir.

11 Q. -- of May the 27th, 2006?

12 A. That's correct.

13 Q. All right. And at what point during the
14 meeting did Mr. Hollon present to you an EEOC charge
15 like or similar to Defendant's Exhibit 17?

16 A. I think it's when I was -- I think I had
17 initially addressed T.J. Dean and after I had gotten
18 done with T.J. -- again, I'm trying to recall this,
19 but I would say that after we had gotten done
20 addressing T.J. Dean and we turned to Ron -- Jack
21 Frost and I did -- and indicated what was going to
22 come down. And at that time Ron handed the packet to
23 me and said that he was -- he had -- he was going to
24 issue an EEO charge against CSX. And I handed it off
25 to Jack..

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1 Q. And what did you say to him or what did
2 Jack say to him? You're talking about Jack Frost, of
3 course?

4 A. I can't recall what Jack said to him,
5 but, you know, obviously he has a right to -- you
6 know, to address any issues he feels that he needs to
7 address and we took it. And Jack says, I'll make
8 sure that human resources and Susan Hamilton gets it.

9 Q. And did it upset you that he was
10 presenting you at that meeting an EEOC charge or a
11 proposed EEOC charge?

12 A. No.

13 Q. Okay. What was Mr. Tipton's reply or
14 statements in that meeting of June the 19th, 2006?

15 A. I can't recall.

16 Q. You don't recall the statements?

17 A. No.

18 Q. To refresh you, did you make any
19 statement that you're ruining two good officers?

20 A. That I'm ruining two good officers?

21 Q. Uh-huh (affirmative).

22 A. No, I don't recall that.

23 Q. Okay. Do you recall ever making the
24 statement either to him or Mr. Tipton that you better
25 be careful, be careful of what you say?

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MR. BARKER: Who is he supposed to have made the statement to?

Q. To Mr. Hollon or Mr. Dean in that meeting of June 19th, 2006.

A. No, sir.

Q. Okay. You don't recall making a statement, Be careful or you better be careful?

A. No, sir.

Q. Okay. Do you recall ever making such a statement in June of -- early June, June 7th a statement to that effect to either of these men that they better be careful or one of them better be careful?

A. No, sir.

Q. Okay. Was there a meeting of June the 7th?

A. A meeting June 7th?

Q. Yes.

A. Not that I'm aware of.

Q. Okay. On June the 7th my client refreshed me that he was pulled out of service on that date. Was that him being pulled out of service from his position of terminal trainmaster?

A. Yes, sir.

Q. Okay. And would that date be close in

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1 time to the date that you learned about the
2 allegations of the RCO and the May 27th signing?

3 A. It may have been in close proximity.

4 Q. Okay. All right. And on that date, did
5 you take any action against Mr. Tipton as well?

6 A. Mr. Tipton?

7 Q. Did you pull him out of service as well?

8 A. No, sir.

9 MR. BARKER: Jason Tipton?

10 Q. Not Mr. Tipton. I should say Mr. Dean.

11 A. Yes, sir, Mr. Dean.

12 Q. Okay.

13 A. Mr. Dean was handled basically in advance
14 of Mr. Hollon --

15 Q. Okay.

16 A. -- because Mr. Hollon was on vacation.

17 Q. Okay. Did Mr. Tipton, Jason Tipton, ever
18 express to you that you were ruining two good
19 officers?

20 A. No, sir.

21 Q. Okay. And did you ever make any
22 statement to him that he needed to be careful when
23 making such statements?

24 A. No, sir.

25 Q. Okay. As of the date that you pulled Mr.

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1 Hollon out of service, that's approximately June the
2 7th, 2006, regarding the RCO incident, had you had
3 the occasion to talk to Mr. Hollon about his
4 understanding of the facts of that incident?

5 A. Mr. Hollon, as I had indicated earlier,
6 had contacted me by telephone and was obviously
7 concerned about the entire matter and was questioning
8 what had taken place. And I had indicated to him
9 that we were in the process of determining the
10 material facts in the said incident.

11 Q. What is the TOPS program or TOPS
12 positions? What is that, sir?

13 A. TOPS positions?

14 Q. Uh-huh (affirmative). T-O-P-S?

15 A. I know what T-O-P-S is in the main frame
16 and it's not a position. It's a -- it tells you
17 about -- you know, it's a main frame screen that
18 tells you about jobs.

19 Q. Is TOPS an acronym for Temporary
20 Officers' Positions?

21 A. It may be. I'm not sure.

22 Q. Okay. Well, we'll just use the phrase
23 Temporary Officers' Position. Do you know after
24 Mr. Hollon's demotion whether or not he had been
25 placed in Temporary Officers' Positions after he had

1 been demoted from the position of terminal
2 trainmaster?

3 A. No, sir.

4 Q. Who would have made that decision to put
5 him in Temporary Officers' Positions?

6 A. I couldn't answer that, but it did not go
7 through me.

8 Q. Okay. Are you required to okay the
9 placement of people in Temporary Officers' Positions?

10 A. Again, I'm not familiar with what a
11 Temporary Officer Position is because I'm not aware
12 of one existing.

13 Q. Well, let me ask you this, if somebody's
14 sick, somebody's on vacation, somebody's out of town,
15 as a manager, CSX, I assume, would want somebody in a
16 temporary position filling that position, am I
17 correct, if possible?

18 A. No, not necessarily.

19 Q. Okay. Well, has CSX in the past
20 temporarily filled those positions? Just like a
21 substitute teacher, is there somebody that's been
22 filling those positions in the past when an officer
23 is out?

24 A. No, not always.

25 Q. Not always, but sometimes, nonetheless,

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1 right?

2 A. There may be occasions in some locations
3 that may happen.

4 Q. Okay. And thus the term Temporary
5 Officers' Positions?

6 A. Right. And like I said before, I'm not
7 familiar with that. --

8 Q. Okay.

9 A. -- an acronym.

10 Q. All right. Do you know the age, as of
11 2006, of Alan Walton, under 40 or over 40?

12 A. Alan Walton, I would assume, is over 40.

13 Q. Rodney Sanders?

14 A. Rodney Saunders.

15 Q. Uh-huh (affirmative).

16 A. Rodney Saunders is over 40.

17 Q. Mike Teal?

18 A. Mike Teal would probably be over 40.

19 Q. Moe Boyd?

20 A. Moe Boyd would be over 40.

21 Q. I think we ascertained Ed McClellan was
22 over 40, correct?

23 A. Correct.

24 Q. And Alan Snapp is over 40?

25 A. Correct.

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1 Q. And, of course, we ascertained Ron Hollon
2 was over 40 and T.J. Dean is over 40, correct?

3 A. Correct.

4 Q. All right. Since Mr. Hollon had been
5 terminated as manager in 2006 from the position of
6 terminal trainmaster, have there been promotion of
7 the five junior managers, namely Jeremiah Grant?

8 A. Jeremiah Grant was promoted to a terminal
9 trainmaster in Montgomery while I was there because
10 he was a management trainee and there was a vacancy
11 being created.

12 Q. Was he under 40 or over 40?

13 A. Yes, sir, under.

14 Q. Dan Bateman?

15 A. Dan Bateman, again, was another
16 management trainee who was placed at Montgomery.

17 Q. I'm going back to Jeremiah Grant. I'm
18 sorry I didn't ask you this. What was he promoted
19 to?

20 A. Terminal trainmaster, Montgomery,
21 Alabama.

22 Q. All right. Dan Bateman, was he under 40?

23 A. Yes, sir.

24 Q. What was he promoted to?

25 A. Terminal trainmaster, Montgomery, Alabama

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1 out of the management trainee position.

2 Q. Darren Anderson, was he under 40?

3 A. Yes, sir, and he was promoted to terminal
4 trainmaster at Montgomery, Alabama from a management
5 trainee position.

6 Q. Chandler Plott, was he promoted?

7 A. Yes, sir, to a terminal trainmaster's
8 position at Montgomery, Alabama out of the management
9 trainee position.

10 Q. Arthur Jackson?

11 A. Arthur Jackson was promoted to terminal
12 trainmaster as a result of coming out of the
13 management trainee program.

14 Q. Was he under 40?

15 A. Yes, sir.

16 Q. So all these people I've mentioned were
17 under 40 and promoted, correct?

18 A. Yes, sir, from a management trainee
19 position.

20 Q. Did any of them have college degrees?

21 A. I think all -- I think every one of them
22 had college degrees if my recollection is right, but
23 I can't recall all of them.

24 Q. Okay. And how many years of service did
25 they all have?

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1 A. Well, in most cases for all of them but
2 Chandler Plott, they all had about approximately a
3 little over a year to two-year service and all of it
4 was management trainee program. And they had also
5 been through a developmental process through CSX as a
6 part of the management trainee program to prepare
7 them to be terminal trainmasters.

8 Q. Is that like grooming them for management
9 positions?

10 MR. BARKER: Object to the form.

11 A. Yes, sir, that's correct. Chandler Plott
12 was an internal management trainee because of his
13 prior railroad position that he had worked as a
14 yardmaster and a brakeman in New Orleans, Louisiana.

15 Q. On most of your job postings for
16 manager's positions, don't you require a college
17 education or the equivalent in experience related
18 to --

19 A. That's a question you're going to have to
20 ask human resources.

21 Q. Okay. But the job postings you've seen,
22 most of them require that?

23 MR. BARKER: Object to the form.

24 A. Again, that's a question you're going to
25 have to ask human resources.

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1 Q. We've got exhibits that say that so I
2 think we'll just show exhibits anyway. I just
3 wondered if you remembered that. But you're part of
4 the interview process and the hiring process, the
5 promotion process, are you not?

6 A. I'm part of the promotion process but not
7 necessarily the interview process.

8 MR. ATCHISON: Okay. Let us take a short
9 break and talk for a few minutes. I may can
10 speed this thing along.

11 (Break taken.)

12 BY MR. ATCHISON:

13 Q. We're back on the record. Mr. Workman, I
14 understand from my client that he applied for
15 promotion to positions that were at the Montgomery
16 terminal, the terminal that he was working at on an
17 ongoing basis. Was there any CSX rule or regulation
18 that permitted -- excuse me -- prohibited promotion
19 of a person working at his or her terminal to a
20 higher position?

21 A. Was there a policy?

22 Q. Yes, was there a CSX rule, regulation or
23 a policy?

24 A. I think there was an understanding that
25 in order for an individual to get promoted within his

101

1 own home was -- you know, was not really going to be
2 looked upon favorably, that it was more important to
3 really -- if a person was interested and as a manager
4 of this company that they're better off in terms of
5 managing people would be not at their home but away.

6 Q. And wasn't there also an understanding
7 that a manager should not file EEO charges against
8 the company and expect promotions?

9 MR. BARKER: Object to the form.

10 A. I don't know of anything like that. I've
11 never heard of that.

12 Q. Okay. All right. If there was such an
13 understanding that promoting within a terminal was
14 not favored, do you know a promotion of David Perry
15 being promoted within the Montgomery terminal from a
16 lower position to a higher position?

17 A. David Perry was a locomotive engineer who
18 operated on the Dothan subdivision between Montgomery
19 and Dothan. He operated on a separate division. He
20 operated on the Jacksonville division. At the time
21 of the applications for respective candidates for
22 that position, David Perry was promoted as a result,
23 number one, he was not on the Atlanta division, and
24 number two, he had the qualifications to become road
25 foreman.

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1 Q. All right. Well, let me ask you a
2 question. Do you recall that Darren Anderson was
3 promoted within his terminal? I believe that may
4 have been the Birmingham, Alabama -- from Birmingham
5 to Montgomery.

6 A. That one I can't recall within.

7 Q. Okay. And to refresh you, isn't it true,
8 in fact, that he was not in the training program?
9 You mentioned several of these younger people that
10 were promoted and you mentioned the training program
11 from, I think, all of them, included Mr. Anderson?

12 A. Yeah, I can't recall Darren. I mean, you
13 know, I was thinking that he came out of the
14 management trainee program, but I guess apparently
15 I'm not sure of that.

16 Q. And wouldn't you agree that approximately
17 25 years of service to CSX and its prior railroads
18 that it bought out and became part of or became part
19 of CSX, that experience of Mr. Hollon certainly was
20 equivalent to a college education particularly when
21 it was involving many college courses that he had
22 taken?

23 MR. BARKER: Object to the form.

24 A. I don't know how to answer that because I
25 don't know how they see my service.

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1 Q. Do you have a college degree?

2 A. Yes, sir.

3 Q. Okay. All right. Were you involved in
4 the recommendations and promotions that Mr. Hollon
5 had applied for?

6 A. Was I involved?

7 Q. Yes.

8 A. No, sir.

9 Q. Pardon?

10 A. No, sir.

11 Q. Not at all?

12 A. (Shakes head negatively.)

13 Q. In recommending that he be promoted or
14 not, did you have any input?

15 A. The only input that I had was at one time
16 when he was being -- we was holding the interviews
17 for the Montgomery terminal that he at least be
18 considered for the interview. But that happens. I
19 mean, we always try to give the local individual at
20 least an opportunity to be heard and it gives him the
21 chance to be interviewed and strengthen their
22 interview skills.

23 Q. Do you know whether or not Mr. Hollon got
24 to interview at all of the positions that he was
25 seeking promotion for after his demotion of June

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104

1 19th, 2006?

2 A. No.

3 Q. Do you know how it's decided that a party
4 is to get an interview for a promotion or not at CSX?

5 A. I can't -- you know, I can only speak for
6 what I have control of. As far as something generic
7 in terms of your question, you know, it's difficult
8 for me to answer how other people look at them in
9 terms of what they want as prospective candidates for
10 positions.

11 MR. ATCHISON: No further questions.

12 MR. BARKER: That's it?

13 MR. ATCHISON: That's it.

14
15 (Deposition concluded at 1:16 p.m.)
16
17
18
19
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21
22
23
24
25

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105

CERTIFICATE OF OATH

STATE OF FLORIDA)

)

COUNTY OF DUVAL)

I, the undersigned authority, certify

that RODNEY STEVEN WORKMAN personally appeared before me
and was duly sworn.

WITNESS my hand and official seal this 11th
day of November 2007.

/s/ Richetta R. Brown
Richetta R. Brown

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106

REPORTER'S DEPOSITION CERTIFICATE

STATE OF FLORIDA)

COUNTY OF DUVAL)

I, Richetta R. Brown, Court Reporter,
certify that I was authorized to and did
stenographically report the deposition of RODNEY STEVEN
WORKMAN; that a review of the transcript was
requested; and that the transcript is a true and
complete record of my stenographic notes.

I further certify that I am not a relative,
employee, attorney, or counsel of any of the parties,
nor am I a relative or employee of any of the
parties' attorney or counsel connected with the
action, nor am I financially interested in the
action.

DATED this 11th day of November 2007.

Richetta R. Brown

Richetta R. Brown

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CAPTION

The Deposition of RODNEY STEVEN WORKMAN,
taken in the matter, on the date, and at the time and
place set out on the title page hereof.

It was requested that the deposition be taken
by the reporter and that same be reduced to
typewritten form.

It was agreed by and between counsel and the
parties that the Deponent will read and sign the
transcript of said deposition.

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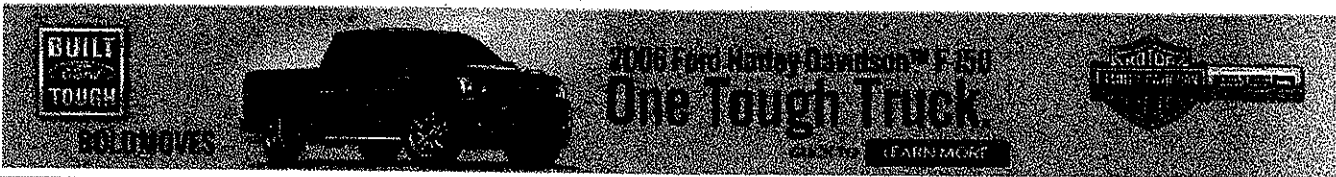
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From: "DALE BARNETT" <DBARNETT@ELMORE.RR.COM> [View Contact Details](#) [Add](#)
Mobile Alert

To: "Jimmy Weekley" <jweekley1611@yahoo.com>

Subject: Fw: Re: RCO FRA Certification card falsification

Date: Fri, 1 Dec 2006 12:03:43 -0600

— Original Message —

From: patrick.plumb@dot.gov

To: dbarnett@elmore.rr.com

Cc: elizabeth.hudd@dot.gov

Sent: Wednesday, November 22, 2006 11:32 AM

Subject: FW: Re: RCO FRA Certification card falsification

Re: 2006-CSX-006120

Dear Mr. Barnett:

This will respond to your complaint citing an incident occurring on May 27th involving CSX employee Jeremy Weeks, Trainmaster Ron Hollon, and Road Foreman of Engines T. J. Dean in the Montgomery yard. You alleged that CSX required a Remote Control Operator (RCO) to work in Montgomery, AL without having a proper check ride within the last two (2) years. You further alleged that a non-qualified officer signed the RCO certification card.

After review of the circumstances and events on that date, FRA has determined that CSX was not in violation of federal regulations governing Remote Control Operations. FRA has allowed CSX a 60-day grace period for an RCO that has not had a check ride for the previous year which allows an RCO to operate as such for 60 days prior to the completion of a check ride. If applied, the employee could have performed his duties on JobY190 without a check ride until July 26, 2006. Therefore, no further action is warranted at this time and this office considers this matter closed.

I understand that the investigating inspector advised you of our findings and that you were satisfied with the results.

We appreciate your continued effort to identify and resolve issues that affect rail safety.

Sincerely,

Patrick Plumb
Deputy Regional Administrator
Federal Railroad Administration
Region 3

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Checked by AVG Free Edition.

Version: 7.1.409 / Virus Database: 268.14.13/546 - Release Date: 11/22/2006

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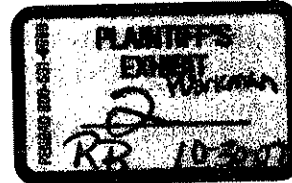
Hollon, Ron Sr

From: Averitte, Angie
Sent: Saturday, May 27, 2006 11:06 AM
To: Hollon, Ron Sr
Subject: RE: MONTGOMERY AND ATLANTA POSITIONS

call me on the cell when you get a break...

-----Original Message-----

From: Hollon, Ron Sr
Sent: Saturday, May 27, 2006 9:16 AM
To: Workman, Rod; Frost, Jack Jr.; Averitte, Angie
Subject: MONTGOMERY AND ATLANTA POSITIONS



Mr. Workman:

I just need some understanding why I was not considered for the Montgomery or the Atlanta positions? How can I improve my chances of growing with this company?

Thanks
Ron

*Email sent to Mr. Workman
no reply*

Hollon, Ron Sr

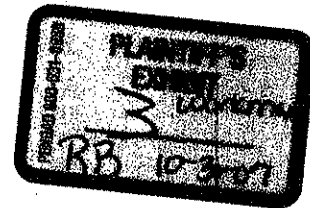
From: Hollon, Ron Sr
Sent: Saturday, May 27, 2006 8:19 AM
To: Frulla, Bob Jr.; Frost, Jack Jr.; Averitte, Angie
Cc: Hollon, Ron Sr
Subject: PENSACOLA POSITION

Mr. Frulla

While checking on my status, for the position in Pensacola, in the computer. It showed that I was in the interview stage but I was never interviewed. I just need a little help in understanding this if you can help me.

Thanks

R. A. Hollon
Terminal Trainmaster
Montgomery, AL



⊕ Email sent about Pensacola pos.
I believe this is the same day of
the remote control

PS-10
#166337

EMPLOYEE RECORD



NAME (LAST)	NAME (FIRST)	NAME (MIDDLE)	DATE OF BIRTH	M <input checked="" type="checkbox"/> F <input type="checkbox"/>	MARITAL STATUS	NAME OF SPOUSE
Snapp	Donald	ALAN	6-22-54		Single	
SOCIAL SECURITY NO.	IDENT. NO.	PHYSICAL RESTRICTIONS				
230-82-5252	166337	None				
CURRENT ADDRESS	Home Telephone					
PO Box 3286 GREENWOOD SC 29648	(803) 223-0947					

EDUCATION

NAME OF SCHOOL	CITY AND STATE	LEVEL	MAJOR COURSE	FROM	TO	DEGREE	HONORARY SOCIETY
East High	Bluff City, TN	GRADE SCH.	Math / Drafting	1969	1972		
		HIGH SCH.					
		COLLEGE					
		COLLEGE					
		OTHER					

MILITARY SERVICE

FROM	TO	SERVICE	BRANCH	HIGHEST RANK	TYPE DISCHARGE	RESERVE STATUS	DRAFT STATUS
						ACTIVE _____ NONE _____ INACTIVE _____ NAT. GD. _____	

TRAINING OR COURSES TAKEN

DESCRIPTION	YEAR	DESCRIPTION	YEAR
Super Development Program	1981		
Managing for Productivity	1985		

MEMBERSHIP IN PROFESSIONAL OR CIVIC ORGANIZATIONS

NAME	OFFICE HELD	NAME	OFFICE HELD

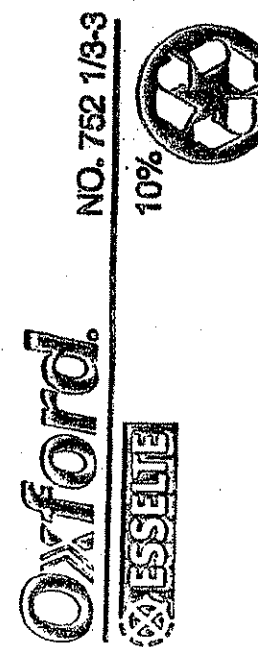
MISCELLANEOUS

CONFIDENTIAL

D-000586

D-000587

mobile



CONFIDENTIAL

D-000588

- John Wright

- Gary Bertel

CONFIDENTIAL

D-000589

Brown, Alison

From: Pendergrass, Mike
Sent: Wednesday, April 12, 2006 3:52 PM
To: Brown, Alison
Subject: FW: Mobile FRA violation

From: Snapp, Alan
Sent: Wednesday, March 22, 2006 5:14 PM
To: Pendergrass, Mike; Workman, Rod
Subject: Mobile FRA violation

Mike Pendergrass
 Rod Workman

On February 24th at approximately 1700, Trainmaster Ray Billingsley called me at home to let me know that FRA Inspector York had taken exception to a crew, Y102, that had left info in the yard office, including ID# and pin # for the 2nd shift crew to electronically log off duty. He stated that she was going to write the incident up and it was not the first one that she had found. This was the first knowledge that any of us had as to the exceptions taken.

I instructed Ray to immediately begin meeting all yard crews and discussing this incident and to be absolutely sure that everyone understood that the Foreman on all assignments were required by CSX Rules and FRA regulations to enter time ticket info and protect their pin numbers. I had the other trainmasters all weekend discussing this with crews. On Monday February 27th, I had the Local Chairman in and discussed this with him and he began meeting with crews and discussing the requirements pertaining to electronic input of info.

On Monday the 27th I called FRA Inspector York and discussed this with her. She stated that she had observed this on other occasions during the month of February with this particular job. I told her that I would be handling with the crew formally through the IDPAP and asked how this would be handled by the FRA. She stated that she would have to discuss it with Atlanta and was not sure if the Forman was going to be held personally accountable or if the CSX would be fined. We discuss my responsibility and the fact that I had 30 days to respond to her write up. This was my first FRA violation to handle in all of my years as a manager.

I immediately called John Drake's office to discuss it with him, as I was unsure of the rules and regs associated with this and to get advise on how to handle. On Wednesday, John called..... he was out of the office sick, and we discussed it over the telephone. He said that he had info in the office that he would look at the next day and determine what applied. I faxed the FRA document from York to him. The following day, he e-mailed me with the info pertaining to the rules and regs. I then completed an assesment on Foreman Giles and sent in for handling. Charge letter was issued. We had no documentation to identify which of the 2nd shift crew members actually entered the info. As I understand by using the 1st shift's ID# and pin, all transmissions were associated with Giles. This was why no one else was charged.

The Local Chairman asked for a postponement and also asked if we would accept a waiver. The first discipline discussed was 30 days actual. I discussed this with Amy Furmon. Prior to the scheduled investigation I found out from the Local Chairman and Y102's crew that when Jimmy Black was Term Manager, he allowed this practice so crews were not showing off early. After finding this out I discussed with Amy and David about the past practice had been and recommended that we give him 5 days actual since a prior Manager had allowed the practice felt that an investigation would not support dismissal.

A waiver was allowed for 5 days actual. The practice has been stopped and we now check this often utilizing the crew screens to insure that it stays stopped.

The FRA's first notice to us was February 24th. We responded immediately to stop any futher violations. She had violations

for several days in February.....including the first week, but did not notify us until the 24th.

CONFIDENTIAL

To Whom It May Concern:

In reference to the FRA cover up issue that was uncovered by the FRA in February 2006 at Mobile, Alabama in Sibert yard. Would like to start out by saying Alan Snapp knew

① and condoned the practice of jobs leaving early and letting the next job coming on tie up the time ticket. He instructed more than one yard job to this so numbers would look good

② and jobs would not be cut off. For years jobs have been going home after 4 and 5 hours on duty. And crews were instructed to doctor the time ticket. They are still getting done in that time but Snapp has instructions out now that we have to sit here until 7hrs30min has passed before we put off. This was mainly happening with the Y102. Charlie Giles, which is the employee that the FRA wrote up for 7 different violation dates and is regular on the y102 and is Alan Snapp's golden boy. Does no wrong in Alan's eyes. In fact the 5 days of discipline that was handed down for punishment was sad. 2 of the 5 days were Mr. Giles off day. Then Mr. Snapp let him cash in 3 vacation days to cover the other 3 days. So basically he was not punished at all. The charge letter stated he was being charged with things like: conduct unbecoming and dishonesty and willful neglect of your duties. How is it he only got 5 days which ended up being nothing??? And it is weird that since all this has happen Mr. Snapp has put out instructions that yard jobs have to stay at least 7hrs 30min to make it look good. Even if the jobs get done early, the jobs have to sit there until 7hrs 30 min has passed. Alan Snapp and Ray Billingsley always work first shift. These two are the ones responsible for what has gone on here. Alan

Professional ③ Snapp is unprofessional, shows favoritism, and his conduct is unbecoming, dishonest and flat out lies to make himself look good. Also, safety money, you might want to ask him about this too. Where does all the safety money go? We at sibert have been asking this

④ for a long time. The terminal never does anything to promote safety, not even cookouts. And it's pretty bad when you have Mr. Ward come down and Snapp tells the crews what to say and not to say. Also told crews to remember after Ward is gone that I am still your

NTIMIDATION ⑤ boss you have to answer to me. Big power trip. If you send a team in or somebody to investigate all this, I am certain you will find out things you would not believe. Please send in a team to interview and investigate every employee in Sibert yard including Roadway and Mechanical. Especially management. You will find out that Alan Snapp has been lying to you about this FRA incident, which is bigger than you know and other things that are going on which violates CSX code of ethics. You are only hearing his side to the whole thing involving the FRA. Please act on this. Please interview the employees at sibert yard. And to Debroah York with the FRA, please come back and talk to us.

Respectfully,
CSX Employees

Cc: Michael Ward
Tony Ingram
Federal Railway Administration
Debroah York, FRA

CONFIDENTIAL

D-000592



William E McClellan, Jr, ID #180257, Manager Safety & Operations Practices located at Atlanta, Ga

Background

- Completed 37 years of service Feb 1, 2006
- Clerical Union Seniority - Atlanta, Ga

Situation

- Mr McClellan instructed Trainmaster Greg Kent not to submit a report concerning a serious rule violation and damage to a locomotive on Thursday Feb 2nd, Friday Feb 3rd and Sunday Feb 5th
- Crew did not do a hand brake test when making a static drop at customer location - 3 cars rolled free and would not stop causing crew to give chase
- There was damage to the locomotive involved in this incident in the amount of \$5,000
- When confronted about this - Mr McClellan said - I used poor judgment and made a bad decision
- Trainmaster, Greg Kent, Road Foreman Joe Tatum and two crew members involved in this incident arrived at 6AM Monday morning Feb 6th to report what transpired Feb 2nd to Division Manager Rod Workman

Recommendation

Dismissal from management position

CONFIDENTIAL

D-000563

A70602 HF @ Jasper Lumber

FEB. 02, 2006

CONFIDENTIAL

D-000564

02/02/06

~19:30 Event took place

- a) 20:01 hr Crew notified Trainmaster Kent
- b) ~ 20:15 Notified Mr. McClellan and received instructions
- c) ~ 20:30 Notified RF Tatum
- d) ~ 20:40 Instructed crew to safely return engine to Cartersville and report to Trainmasters office the next day for 13:00 meeting with Mr. McClellan

CONFIDENTIAL

D-000565

02/03/06

~ 07:00 Trainmaster and car inspector inspected locomotive. Found pilot damaged to a point that it was almost touching rail due to bent frame.

07:30 Called Mr. McClellan and voiced concerns over the issues.

~ 09:30 Mr. McClellan arrived and viewed damage

~ 11:00 inspector trimmed pilot to appropriate height above rail for safe movement of engine.

13:00 Mr. McClellan, myself and crew reviewed incident and rule infractions.

Spoke with RFE Tatum about my concerns over how the incident was being handled

CONFIDENTIAL

D-000566

① 02/04/06

~10:00 I spoke again with RFE Tatum about my concerns and I also spoke again with the crew.

~15:00 I visited Mr. McClellan at his home and expressed my discomfort about this issue.

02/05/06

~12:00 I called Mr. McClellan and told him I felt that contact needed to be made with Mr. Workman about the issue. I also stated that I did not feel that I could compromise the integrity of myself or that of my fellow employees.

~17:00 I visited with Mr. Tatum and told him I felt that we needed to go to the Division Manager at 06:00 the next morning and inform him of the incident.

Later that evening I contacted the crew and they agreed that this was the right thing to do. They agreed to meet at the GOB at 06:00 the next day.

CONFID

D

02/06/06

~05:30 I called Mr. McClellan and informed him of our intentions and he agreed that it was the correct thing to do. He said that he had given us bad advice and made a mistake.

~06:15 Mr. Tatum, myself and the crew entered the office of the Division Manager and explained the events of the incident.

CONFID

D-000

Description Of The Incident:

A706 was initially job briefed at their on duty location in Cartersville by Trainmaster Kent. A706 departed Cartersville at 18:03 with two cars. While en route A706 picked up impact car set out at Acworth. A706 would return this car to Cartersville for repairs. Crew stopped at customer location Jasper lumber on the #1 main line at Kennesaw and conducted a job briefing about doing a Static drop to get the cars on the South side of their engine. In doing so they would have the cars properly lined up for their return trip North.

The A706 stopped short of the South facing point at Jasper. The engine CSXT 5828 was slacked away from train. A706 Conductor walked to rear of three car train and secured the North car. A706 then lined the switch for movement into the industry and pulled engine CSXT 5828 into the industry and coupled to the empty cars to be pulled. A706 conductor then returned to cars lining switch for movement main to main on the way back to the cars. A706 conductor then proceeded to bleed the three cars of air on the way back to the North car where the hand brake was applied. With the air bled from all three car the Conductor mounted the North end of the North car in order to release the hand brake to do a Static drop of the cars using the hand brake to stop the movement of the cars after passing the customer switch.

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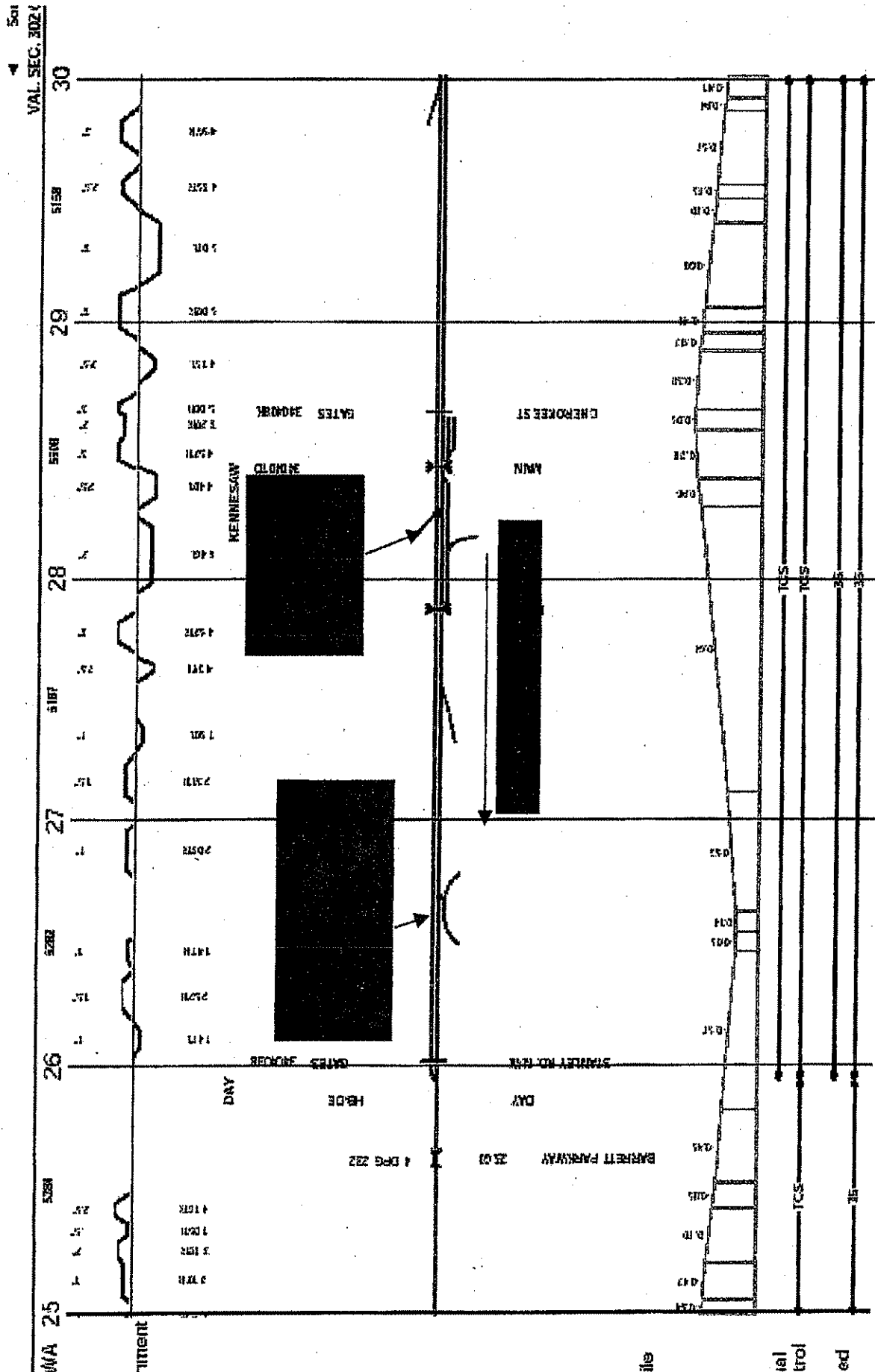
D-000569

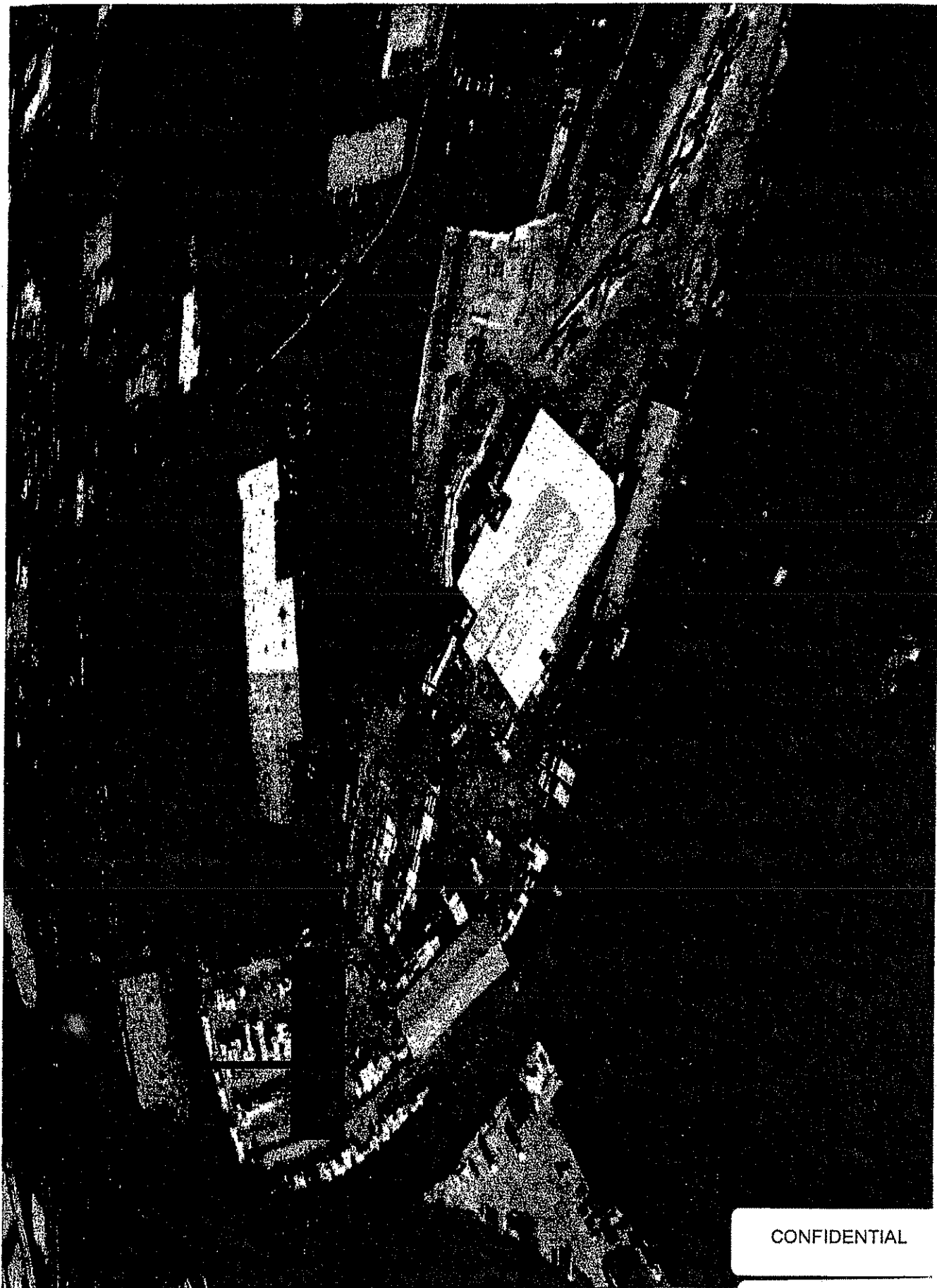
As the cars started to roll over the switch A706 conductor re-applied the hand brake and found that it would not stop the cars. A706 conductor called to the engineer that he needed his help to stop the cut from rolling away. The engineer then ran to the switch lined it for his movement and ran back to the engine and pulled North over the switch. The engineer the lined his route south, returned to the engine and gave chase to the now runaway cars. The Conductor called out his location and the engineer closed the distance to couple to the cars. The engineers view was obstructed by a South bound train on the # 2 main. When the engineer caught sight of the cars he instructed the Conductor to get clear of the cars. The coupling was made and movement stopped about 3/10's of a mile from the end of double track. No damage was done to the cars, but the engine sustained approx. \$5,000 dollars to the front end of the locomotive due to excessive coupling speed.

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D-000570

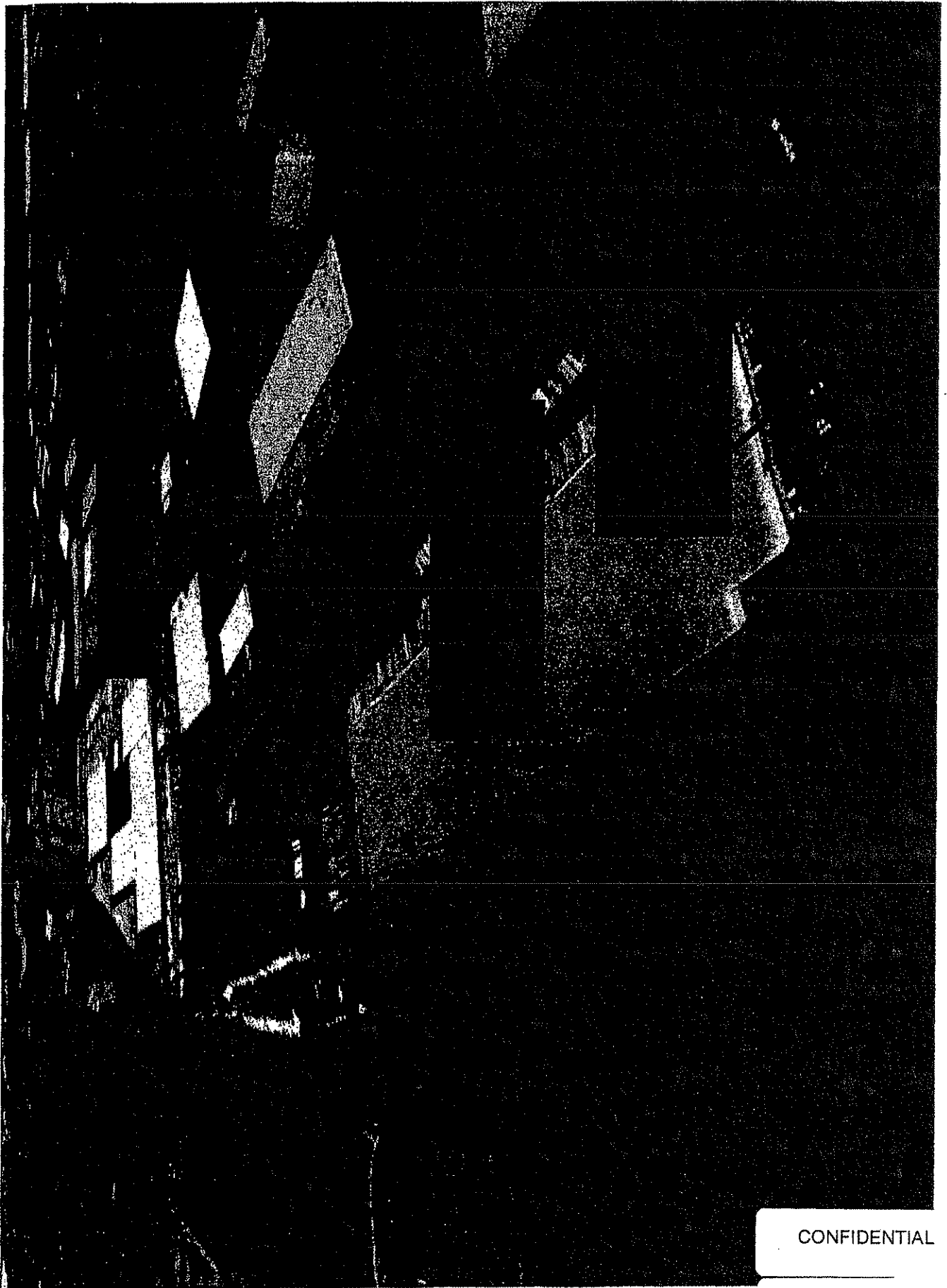
LANTA - W AND A





CONFIDENTIAL

D-000572



CONFIDENTIAL

D-000573

Conductor : T.G.Howell (ID # 572066)
Engineer: C.D.Gravley (ID # 199611)

Date: A70602 Local Switcher Cartersville, Ga.

Reporting The Following Human Factor Train Accident:

Date: Feb. 02, 2006
Time 19:30 Hrs.

Engineer Gravley :

Hire Date : 07/08/96
Previous Human Incidents:
Derailments: 0
Train Accidents: 0
Red Signal Violation: May 1999
Age: 32
DOB: 3/27/73

Conductor Howell:

Hire Date: 07/27/03
Previous Human Incidents:
Derailments: 0
Train Accidents: 0
Red Signal Violation: 0
Age: 31
DOB: 2/7/74

CONFIDENTIAL

D-000574

Experience:

Engineer Gravley: Has worked on the W&A Sub and Atlanta Terminal since his hire date: promoted to Engineer Feb. 1998.

Conductor Howell: Has worked as a Conductor on the W&A Sub and the Atlanta Terminal since his hire date 7/27/03.

Supervisors:

Road Foreman of Engines: Joe Tatum

Trainmaster: Greg Kent

Safety Record: The W&A Subdivision Personal Injuries:

1 reportable injury in 2004

2 reportable injuries in 2005

1 reportable injury in 2006

CONFIDENTIAL

D-000575

Damage Cost:

Locomotive : \$5000

Car : 0

Track: 0

O-Test on employees :

Engineer Gravley: 2004-- 16 test 0 failures

2005-- 16 test 0 failures

2006-- 0 test

Conductor Howell: 2004-- 7 test 0 failures

2005-- 32 test 1 failure

O-testing by local officers in past year:

Trainmaster Kent : 609 test with 51 failures (8.0%)

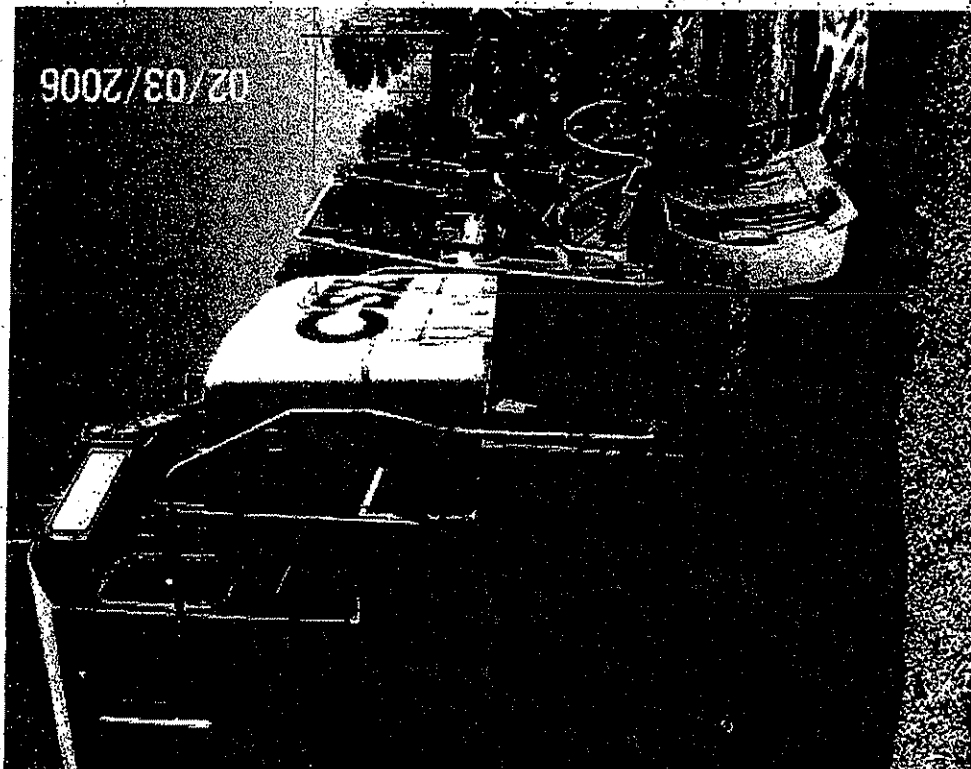
RFE Tatum: 857 test with 38 failures (4.0%)

Corrective Action Plan:

1. Employees out of service pending investigation
2. Assessments sent in for appropriate rule violations
3. Set action plan for Repair of North end of Vulcan siding so local can run around cars without holding main track
4. Re evaluate Static drops on the subdivision.
5. Met with ADE Fraizer was advised the cost to put north end of Vulcan siding and South end Chickamauga siding in service will cost ~ \$90 K. This would prevent the need for static drops.

CONFIDENTIAL

D-000576



Evidence of previous damage
from earlier collisions

CONFIDENTIAL

D-000577



Can see
brake chain
bound over
top of axle

This was the North out
car that was used to
brake cut in the static
drop UTLX 79130

CONFIDENTIAL

D-000578

Mauldin, Kristi

From: Mauldin, Kristi on behalf of Workman, Rod
Sent: Tuesday, February 07, 2006 11:12 AM
To: Mauldin, Kristi
Subject: FW: Human Factor Train Accident Report A70602

Conductor : T.G.Howell (ID # 572066)
 Engineer: C.D.Gravley (ID # 199611)

Date: A70602 Local Switcher Cartersville, Ga.

Reporting The Following Human Factor Train Accident:

Date: Feb. 02, 2006
 Time 19:30 Hrs.

Engineer Gravley :

Hire Date : 07/08/96
 Previous Human Incidents:
 Derailments: 0
 Train Accidents: 0
 Red Signal Violation: May 1999
 Age: 32
 DOB: 3/27/73

Conductor Howell:

Hire Date: 07/27/03
 Previous Human Incidents:
 Derailments: 0
 Train Accidents: 0
 Red Signal Violation: 0
 Age: 31
 DOB:2/7/74

Experience:

Engineer Gravley: Has worked on the W&A Sub and Atlanta Terminal since his hire date: promoted to Engineer Feb. 1998.

Conductor Howell: Has worked as a Conductor on the W&A Sub and the Atlanta Terminal since his hire date 7/27/03.

Supervisors:

Road Forman of Engines: Joe Tatum
 Trainmaster: GregKent

Safety Record: The W&A Subdivision Personal Injuries:

1 reportable injury in 2004
 2 reportable injuries in 2005
 1 reportable injury in 2006

Description Of The Incident: A706 was initially job briefed at their on duty location in Cartersville by Trainmaster Kent. A706 departed Cartersville at 18:03 with two cars. While en route A706 picked up impact car set out at Acworth. A706 would return this car to Cartersville for repairs. Crew stopped at customer location Jasper lumber and conducted a job briefing about doing a Static drop to get the cars on the South side of their engine. In doing so they would have the cars properly lined up for their return trip North.

The A706 stopped short of the South facing point at Jasper. The engine CSXT 5828 was slacked away from train. A706 Conductor walked to rear of three car train and secured the North car. A706 then lined the switch for movement into the industry and pulled engine CSXT 5828 into the industry and coupled to the empty cars to be pulled. A706 conductor then returned to cars lining switch for movement main to main on the way back to the cars. A706 conductor then proceeded to bleed the three cars of air on the way back to the North car where the hand brake was applied. With the air bled from all three car the Conductor mounted the North end of the North car in order to release the hand brake to do a Static drop of the cars using the hand brake to stop the movement of the cars after passing the customer switch.

As the cars started to roll over the switch A706 conductor re-applied the hand brake and found that while it would not stop the cars. A706 conductor called to the engineer

that he needed his help to stop the cut from rolling away. The engineer then ran to the switch lined it for his movement and ran back to the engine and pulled North over the switch. The engineer then lined his route south, returned to the engine and gave chase to the now runaway cars. The Conductor called out his location and the engineer closed the distance to couple to the cars. The engineer's view was obstructed by a South bound train on the # 2 main. When the engineer caught sight of the cars he instructed the Conductor to get clear of the cars. The coupling was made and movement stopped about 3/10's of a mile from the end of double track. No damage was done to the cars, but the engine sustained approx: \$5,000 dollars to the front end of the locomotive due to excessive coupling speed.

Damage Cost:

Locomotive : \$5000

Car : 0

Track: 0

O-Test on employees :

Engineer Gravley: 2004-- 16 test 0 failures

2005-- 16 test 0 failures

2006-- 0 test

Conductor Howell: 2004--7 test 0 failures

2005-- 32 test 1 failure

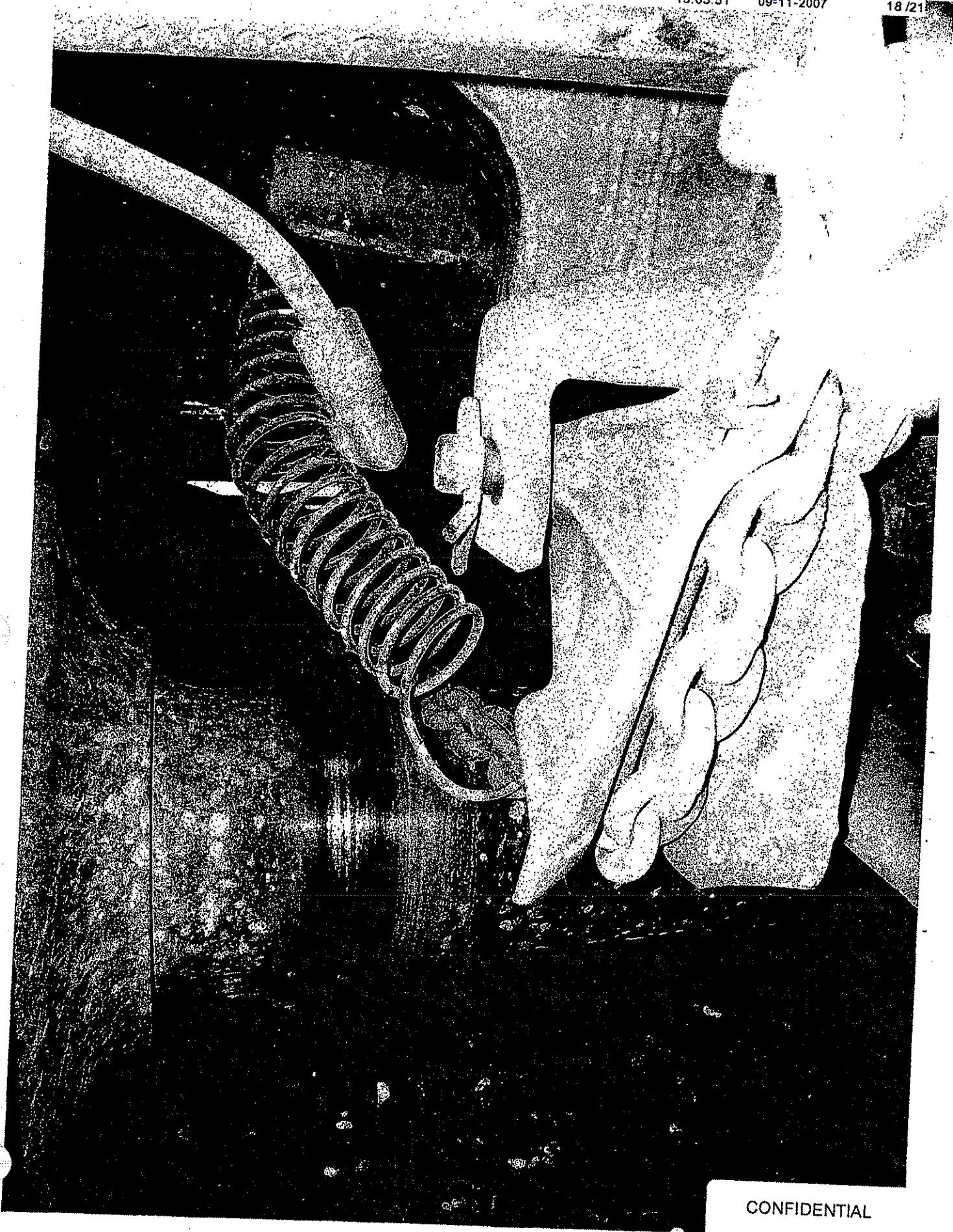
O-testing by local officers in past year:

Trainmaster Kent : 609 test with 51 failures (8.0%)

RFE Tatum: 857 test with 38 failures (4.0%)

Corrective Action Plan:

1. Employees out of service pending investigation
2. Assessments sent in for appropriate rule violations
3. Set action plan for Repair of North end of Vulcan siding so local can run around cars without holding main track
4. Re evaluate Static drops on the subdivision.



CONFIDENTIAL

D-000581

DERAILMENT/ACCIDENT REPORT

FORM RZ (Effective Feb. 2005)

INCIDENT NUMBER 01		INCIDENT DATE & TIME 02		TYPE OF INCIDENT 03		WEATHER 04		VISIBILITY 05		TEMPERATURE 06	
[] [] [] [] [] [] [] [] [] []		[] [] [] [] [] [] [] [] [] []		1. Injury/Fatality 2. Track Accident 3. Road Crossing 4. Road Crossing		1. Clear 2. Cloudy 3. Rain 4. Fog 5. Snow 6. Ice		1. Day 2. Night 3. Dusk 4. Dawn		1. Above Zero 2. Below Zero	
JOINT OPERATION INVOLVED 07		NUMBER OF PEOPLE EVACUATED 08		BILLABLE 09		IN 10		STATE 11		COUNTY 12	
1. CSX ONLY 2. AMTRAK 3. FOREIGN RAILROAD 4. INDUSTRY		[] [] [] [] [] [] [] [] [] []		1. Yes 2. No		USA?		[] [] [] [] [] [] [] [] [] []		[] [] [] [] [] [] [] [] [] []	
YARD 13		NEAREST RAILROAD STATION 14		CITY AND ZIP CODE 15		DIVISION CODE 16		SUBDIVISION CODE 17		LOCATION MILEPOST 18	
[] [] [] [] [] [] [] [] [] []		[] [] [] [] [] [] [] [] [] []		[] [] [] [] [] [] [] [] [] []		[] [] [] [] [] [] [] [] [] []		[] [] [] [] [] [] [] [] [] []		[] [] [] [] [] [] [] [] [] []	
SHOP/SERVICE CENTER 19		RAIL CODE 20		TRACK NUMBER OR NAME 21		OTHER RAILROAD OR INDUSTRY INVOLVED 22					
1. Lead Shop 2. Lead Service Center 3. Not Shop or Service Center		[] [] [] [] [] [] [] [] [] []		[] [] [] [] [] [] [] [] [] []		[] [] [] [] [] [] [] [] [] []					
OTHER RAILROAD OR INDUSTRY RESPONSIBLE FOR TRACK MAINTENANCE 23		CAUSE CODES 24		TYPE OF ACCIDENT 25							
[] [] [] [] [] [] [] [] [] []		Primary: [] [] [] [] [] [] [] [] [] [] Contributing: [] [] [] [] [] [] [] [] [] []		01. Derailment 02. Head-on Collision 03. Rear-end Collision 04. Side Collision 05. Rolling Collision 06. Broken Train Collision 07. Heavy Grade Crossing 08. RFL Grade Crossing 09. Obstruction 10. Exposed Railway 11. Fire or Vandalism 12. Other Impact 13. Other (Specify)							
TYPE OF EQUIPMENT 26		TYPE OF REPORT 27		METHOD OF OPERATION 28							
01. Freight Train 02. Passenger Train 03. Commuter Train 04. Motor Train 05. Single Car 06. Out of Class 07. Yard Switching 08. Light Locomotive 09. Maintenance Car 10. Passenger Car		1. FRA Reportable 2. Non-Reportable		a. ATCS b. Auto Train Control c. Auto Train Stop d. Cab Signal e. Traffic Control f. Interlocking g. Automatic Block h. Current of Traffic i. Timetable/Track Orders j. Track Warrant Control k. Direct Traffic Control l. Main Track-Yard Limits m. Special Instructions n. Other Than Main Track Rule o. Other (Specify in Remarks)							
EQUIPMENT ATTENDED 29		CSX ESTIMATED DAMAGES 30		INDUSTRY OR FOREIGN RAILROAD EST. DAMAGES 31		TRACK TYPE 32		IF ACCIDENT OBSTRUCTED MAIN TRACK HOW LONG? 33			
Yes [] No []		LOCOM [] [] [] [] [] [] [] [] [] [] CAR [] [] [] [] [] [] [] [] [] []		[] [] [] [] [] [] [] [] [] []		M = Main Y = Yard S = Siding I = Industry P = Primary C = Connecting B = Branch D = Storage		Hours [] [] Min. [] []			
FRA TRACK CLASS 34		ANNUAL TRACK DENSITY 35		FIRST LOCOMOTOR IN COMBUSTION FOUND DERAILED OR DAMAGED 36		TRAIN NUMBER 37		TIME TABLE DIRECTION 38		TRAILING TONS 39	
[] [] [] [] [] [] [] [] [] []		[] [] [] [] [] [] [] [] [] []		[] [] [] [] [] [] [] [] [] []		[] [] [] [] [] [] [] [] [] []		[] [] [] [] [] [] [] [] [] []		[] [] [] [] [] [] [] [] [] []	
REMOTE CONTROL LOCOMOTIVE? 40		ACTUAL SPEED 41		TIMETABLE SPEED 42		EQUIPMENT 43		CABOOSE 44		TOTAL HAZMAT CARS 45	
01. Remote Control 02. Remote Control 03. Remote Control 04. Remote Control 05. Remote Control 06. Remote Control 07. Remote Control 08. Remote Control 09. Remote Control 10. Remote Control		[] [] [] [] [] [] [] [] [] []		[] [] [] [] [] [] [] [] [] []		CONSISTED DERAILED		1. None 2. Damaged 3. Not Damaged		Carrying Damaged Damaged Leaking	
PRINCIPLE/CAUSING EQUIPMENT 46		END OF CAR (A or B) or LOCOMOTIVE LEADERS (F or R) 47		SPECIAL TRACK FEATURES 48							
[] [] [] [] [] [] [] [] [] []		[] [] [] [] [] [] [] [] [] []		1. None 2. Turnout or Crossover 3. Crossing Alignment 4. High-Speed Grade Crossing 5. Curve 6. Insulated Joint 7. Bridge Approach 8. Other - Explain in Remarks 9. Tangent							
LOCOMOTIVES 49		INITIAL NUMBER 50		INITIAL NUMBER 51		INITIAL NUMBER 52		INITIAL NUMBER 53		INITIAL NUMBER 54	
[] [] [] [] [] [] [] [] [] []		[] [] [] [] [] [] [] [] [] []		[] [] [] [] [] [] [] [] [] []		[] [] [] [] [] [] [] [] [] []		[] [] [] [] [] [] [] [] [] []		[] [] [] [] [] [] [] [] [] []	
REMARKS (DESCRIBE THE ACCIDENT) - PLEASE PRINT 55											
[] [] [] [] [] [] [] [] [] []											

REMARKS (DESCRIBE THE ACCIDENT) - PLEASE PRINT
 HAND BRAKE ON UTLX 79130 FAILED TO STOP
 3 CARS. AS CARS RAN AWAY ON GRADE ENGINEER MADE THE DECISION TO
 HELP FOLLOW EMPLOYEE ON MOVING CAR. ENGINEER RAN DOWN CARS AND
 COUPLED AT AN EXCESSIVE SPEED, DAMAGING FRONT END OF ENGINE
 CONTINUE ON REVERSE SIDE
 (OVER)

WXT 5828. CAR # UTLX 79130 WAS found to have
HANDBRAKE LINKAGE PIN BINDING ON LEADING AXLE
OF BEND NOT ALLOWING HANDBRAKE to fully apply.
ENGINEER felt he had to take emergency actions
to save life and property. Conductor Failed
to properly test hand brakes.

CONFIDENTIAL

D-000583

TRAIN CREW INFORMATION

	LAST NAME	FI	MI	ID NUMBER	Hours on Duty	Hours Off prior to start of duty	Hours on Duty	Hours Off prior to start of duty	Hours on Duty	Hours Off prior to start of duty	Hours on Duty	Hours Off prior to start of duty
ENGINEER	GRANLEY	ED		1992611	7	30	2	13	2			
CONDUCTOR	HOWELL	TH		571119	7	30	6	13	2			
TRAINMAN												
OTHER (e.g., Interceptor)												
OTHER (e.g., Interceptor)												

HUMAN FACTOR SECTION

IF EITHER CAUSE CODE IN FIELD 24 IS A HUMAN FACTOR CODE, COMPLETE THE FOLLOWING

<p>The railroad has <u>identified</u> (check only one):</p> <p><input checked="" type="checkbox"/> 1. One or more railroad employees was a primary or contributing cause of the accident.</p> <p><input type="checkbox"/> 2. One or more railroad employees was not a primary or contributing cause of the accident.</p> <p><input type="checkbox"/> 3. It is uncertain whether one or more railroad employees was a primary or contributing cause of the accident.</p> <p>If item "b" or "c" was checked, go to the last field on the form (field 54). If item "a" was checked, complete field 51.</p>	<p>The railroad has <u>identified</u> (check only one):</p> <p><input type="checkbox"/> 1. All the railroad employees who were a primary or contributing cause of the accident.</p> <p><input type="checkbox"/> 2. Some, but not all of the railroad employees who were a primary or contributing cause of the accident.</p> <p><input type="checkbox"/> 3. None of the railroad employees who were a primary or contributing cause of the accident.</p> <p>If item "3" was checked, go to the last field on the form (field 54). If item "1" or "2" was checked, complete fields 52, 53, 54.</p>
--	--

IF ITEM "1" OR "2" WAS CHOSEN IN FIELD 51, COMPLETE THE FOLLOWING FOR EACH EMPLOYEE IDENTIFIED AS A PRIMARY OR CONTRIBUTING CAUSE OF THE ACCIDENT: (ATTACH ADDITIONAL PAGES IF NEEDED)

Last Name	FI	MI	ID Number	Job Title	Employing RIT Code	CAUSE CODES	Did this employee die as a result of the accident?		
						Primary	Contributing	YES	NO
GRANLEY	ED		1992611	ENGINEER	CSXT	H001	H004		<input checked="" type="checkbox"/>
HOWELL	TH		571119	CONDUCTOR	CSXT	H005	H006		<input checked="" type="checkbox"/>

DESCRIBE WHY THE EMPLOYEE WAS A PRIMARY OR CONTRIBUTING CAUSE OF THE ACCIDENT - PLEASE PRINT

REPORT PREPARER INFORMATION - PLEASE PRINT

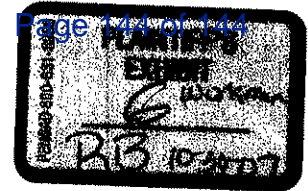
Last Name	FI	MI	ID Number	Job Title	Area Code	Phone Number	Report Date and Signature
KENT	WS		174012	TRAINMASTER	970	6090920	W. Kent 2/6/06

INSTRUCTIONS FOR PREPARATION OF DERAILMENT/ACCIDENT REPORT, FORM R13

- Accident number is generated by RAR.
- Enter date and time of the accident occurrence.
- Enter code(s) to indicate the type of accident.
- Enter code to indicate whether conditions at the time of occurrence.
- Enter code to indicate visibility at the time of occurrence.
- Enter temperature and code to indicate above or below zero.
- Enter code to indicate a joint operation is involved.
- Enter number of people exposed; if none, enter zero.
- Enter code to indicate whether accident occurred in USA.
- Enter the state where the accident occurred.
- Enter the county where the accident occurred.
- If accident occurred in a terminal, enter the terminal code from Terminal Yard Management System (TYMS).
- Enter nearest station as listed in the timetable.
- Enter the city and ZIP code where the accident occurred.
- Enter alphabetical Division Code (refer to Timetable).
- Enter alphabetical Equipment Code (refer to Timetable).
- Enter the location to nearest tenth of a mile. If accident was on industry track, enter nearest railroad milepost.
- If accident occurred at Mechanical location, enter appropriate code.
- Enter RAIL Code for the accident location.
- Enter track name or number. If accident occurred in a terminal, use the track number code from the TYMS.
- If other railroad or industry involved, enter railroad or industry name.
- Enter railroad or industry responsible for track maintenance.
- Enter cause code from CSX Cause Finding Manual.
- Enter code to indicate the type of accident being reported. If more than one accident is involved, RPT required for each "Cause" code pertains to a single piece of equipment. If needed, use Power M-L-S format as shown required.
- Enter code to indicate type of equipment.
- Enter code to indicate FRA responsibility.
- Enter code to indicate if accident occurred at crossing.
- Enter code to indicate if on-track equipment was involved.
- Enter estimated damage to track, equipment and infrastructure.
- Enter estimated damage to other railroad or industry.
- Enter code for type of track. If single or double, add tonal code is required.
- Enter amount of time main track was obstructed; if not obstructed enter zero.
- Enter FRA track code (see FRA Guide Chapter 7, pages 6-7).
- Enter accident report number (see FRA Guide Chapter 7, pages 6-7).
- Enter information for equipment. This should be the first loco or car in the consist that derailed or damaged once the consist was clear to run.
- Enter railroad job number.
- Place "X" mark in appropriate square to indicate direction of movement.
- Enter train time by consist.
- Enter code for type of consist manual or RCD.
- NOTE: CSXT does not utilize RC Train Operation.
- Enter actual speed at time of accident and code for whether the speed was estimated or recorded.
- Enter estimated theoretical speed at time of accident and code for whether the speed limit was permanent or temporary.
- Enter number of loads and empties in consist and how many derailed; if none derailed enter zero.
- Enter information for causes. If no causes enter "none".
- Enter the number of cars in consist transporting hazardous materials and if any derailed, damaged, and/or in siding if none enter zero.
- NOTE: If hazardous occurs, ALLST provide car number and hazard material, STCC Number and how much loaded for each car. Utilize records table.
- Enter information for principal causing equipment involved in accident.
- Enter information for all non-motives in consist.
- Enter description of passenger.
- Enter train crew and list train information.
- If other cause code is Human Factor Code, complete this field.
- If other cause code is Human Factor Code, complete this field.
- If other cause code is Human Factor Code, complete this field.
- If other cause code is Human Factor Code, complete this field.
- Enter report preparer information, date and sign as required.

CONFIDENTIAL

D-000584



To Whom It May Concern:

In reference to the 1st letter that was written about the FRA violation dealing with the time tickets at Mobile, Alabama. Alan Snapp has made the statement that this issue is dead. And he has stated that he did not get caught and laughed about it. If you want proof that he knew what the crews were doing, just come ask. Every crew and every shift was doing it under his instructions. There is a lot of incorrect data reporting going on. For example, Ray Billingsley and efficiency testing. A crew, the Y10217 on March 17, 2006 put off at 1130. Ray Billingsley is showing that he tested that crew at 1458. Now how is this possible? How can you observe a crew that is not there? This is not fair to us!!!! If we are going to be put under a microscope, then he should be too. This is just the tip of the ice berg. Alan Snapp has doctored the books long enough. He is the one that has stolen from this company. Please investigate and interview everyone. He is still having us sit around after the work is done, sometimes 3 and 4 hours. We are not allowed to put off until after 7hr 30min. He has stated that the early quits will come back after this blows over. Please, the employees at sibert need a better leader than Alan Snapp!!!!!!!!!!

Respectfully

CSX Employees

Cc: Michael Ward

Tony Ingram

Federal Railway Administration

Debroah York

T. M. Pendergrass

R. S. Workman

CONFIDENTIAL

D-000593

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

Ronald A. Hollon, Sr.,

Plaintiff,

v.

CSX Transportation, Inc.,

Defendant.

Civil Action No. 2:06-CV-1099-WKW

DECLARATION OF MIKE PENDERGRASS

I, Mike Pendergrass, do hereby swear and affirm as follows:

1. I am over 21 years of age and fully competent to make this Declaration. I make this Declaration of my own personal knowledge and for any uses allowed by law.
2. I am Vice President of CSX Transportation, Inc.'s ("CSXT") Southern Region. CSXT is a railroad transportation company operating in the Eastern United States and Canada. Like other commercial railroads in the United States, CSXT is subject to regulations promulgated by the Federal Railroad Administration ("FRA").
3. In early June 2006, I was informed by Rod Workman, at that time the Division Manager of CSXT's Atlanta Division, about an incident involving falsification of an FRA-regulated document by two management employees in Montgomery, Alabama – road foreman of engines T.J. Dean and terminal trainmaster Ron Hollon. At my request, an internal investigation regarding the incident was launched by Rodney Saunders, at that time the Senior Road Foreman of Engines for the Atlanta Division. Mr. Saunders prepared an investigative memo that included written statements submitted by Mr. Hollon and Mr. Dean. Based on my review of Mr. Saunders' investigation, I determined that, on May 19,

2006, Mr. Dean requested that Mr. Hollon sign his (Dean's) name to an FRA-regulated remote control operator's ("RCO's") certification card. By doing so, Mr. Hollon falsely certified that Dean had given an operational monitoring test to an RCO, as required by applicable FRA regulations, even though at the time that Mr. Hollon signed the card no such observation had taken place. Because of their admitted unethical behavior, I determined that Hollon and Dean should be demoted from their positions as CSXT company officers, due to their conspiracy to falsify an FRA document.

4. In March 2006, CSXT posted a vacancy for a Terminal Manager position in Montgomery, Alabama. The Montgomery terminal is part of the Atlanta Division, which is within CSXT's Southern Region. The Terminal Manager is the company officer responsible for all aspects of the terminal's operations. In 2006, candidates for positions within the Atlanta Division were screened and selected for interview by Assistant Division Manager David Hamby. Mr. Hamby's recommendations were then reviewed by Mr. Workman. Workman, in turn, made a recommendation to me. I am ultimately responsible for all management hiring decisions within the Southern Region.

5. Jason Tipton was considered the best candidate by Mr. Hamby and was recommended to me by Mr. Workman. I approved the selection of Mr. Tipton for the position because of Mr. Tipton's superior qualifications, including his educational background, the diversity of his experience in other positions at CSXT and at other geographic locations, and the particular skills that I believed he could bring to the position in question. Specifically, Mr. Tipton had previously been a Terminal Manager in Mobile, Alabama and was an Assistant Terminal Superintendent in Atlanta at the time that he applied for the Terminal Manager position in Montgomery. Mr. Tipton also has a

bachelor's degree in business and management, as well as an MBA. The Montgomery Terminal Manager position was a lateral move for Mr. Tipton but would have been a promotion for Mr. Hollon. A copy of Mr. Tipton's 2006 resume from CSXT's files is attached to this declaration as Exhibit A.

6. In April 2006, CSXT also posted a vacancy for an Assistant Terminal Superintendent position in Atlanta, Georgia. The process of filling this position was similar to that followed for the Montgomery Terminal Manager position. David Hamby and Rod Dunlap, Terminal Superintendent in Atlanta, interviewed various candidates and made a recommendation to Rod Workman. Mr. Workman in turn made a recommendation to me. In this case, Mr. Hamby, Mr. Dunlap, and Mr. Workman both recommended Danny Spencer for this position. However, I selected Terry Walton for the Atlanta Assistant Terminal Superintendent position because of his superior qualifications, including his educational background, the diversity of his experience in other positions at CSXT and at other geographic locations, and the particular skills that I believed he could bring to the position in question. Specifically, Mr. Walton was formerly an officer in the United States Marine Corps and is a veteran of Operation Desert Storm. He previously held positions at CSXT as the managing director of mechanical operations and the director of process improvements for the Jacksonville Division. He also has a bachelor's degree in engineering from the U.S. Naval Academy and an MBA. Although I was not aware of Mr. Walton's age at the time that I selected him for the position and I did not consider any applicant's age when making a decision, I understand that CSXT's records list his date of birth as August 5, 1961. A copy of Mr. Walton's resume from CSXT's files is attached to this declaration as Exhibit B.

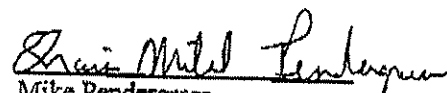
7. Mr. Hollon's prior experience in union jobs was not a factor that I would have considered for any of these positions. In my opinion, an applicant's prior experience in union jobs is relevant only for initial promotions to a management position, not for subsequent promotions. For subsequent promotions to management positions, only an individual's prior managerial experience is considered.

8. Until Mr. Hollon gave his charge of discrimination to Rod Workman and Jack Frost on the day they informed him of his demotion, I was not aware of any complaints of age discrimination that Mr. Hollon had against CSXT. I am not aware of any conversations that he may have had with other CSXT employees regarding the company's hiring or promotion practices.

9. While demotion from a management position is not a per se disqualification from future promotions, I consider it a substantial negative factor for some time after the demotion. That is particularly true in a situation, such as the demotions of Mr. Hollon and Mr. Dean, where the demotion was based on unethical behavior. I am not aware of any positions to which Mr. Hollon has applied since his demotion. Although I approve or disapprove candidates for promotion in the Southern Region, I do not get involved in assessing every person who applies. If Mr. Hollon has applied for any positions within the Southern Region since his demotion, I have not reviewed his candidacy for any of those jobs.

Pursuant to 28 U.S.C. § 1746, I swear under penalty of perjury that the foregoing is true and correct.

Executed this 28 day of November, 2007.


Mike Pendergrass

JASON TIPTON
2853 LOST LAKES WAY
POWDER SPRINGS, GEORGIA 30127
770-943-9004 HOME
678-622-8988 CELL
Jason_Tipton@csx.com

SUMMARY OF QUALIFICATIONS:

A proven transportation leader with experience developed through multiple positions with CSX ranging from the coalfields of West Virginia to a major processing terminal in Atlanta, Georgia. A visionary with the ability to improve operations while working within corporate policies, budget constraints and union contracts. Able to establish rapport and credibility with diverse groups ranging from union members to board members to multi-million dollar customers.

EDUCATION AND TRAINING:

M.B.A., University of South Alabama - Mobile, Alabama GPA 3.31
B.S., Business & Management, University of South Alabama - Mobile, Alabama GPA 3.33
HAZMAT Sentinel Training, CSX, Pueblo, Colorado 2005
Key Factor Analysis Training, CSX, Mobile, Alabama 2003
Advanced Terminal Management Program, CSX, Jacksonville, Florida 2002
Train Accident Prevention & Analysis Training, CSX, Atlanta, Georgia - 2000

PROFESSIONAL SUMMARY:

CSX Transportation
Assistant Terminal Superintendent, Atlanta, Georgia (2004 current)
Leadership of a Safety Committee and process that reduced FRA reportable injuries in Atlanta by 75% for 2005
Responsible for efficient and effective service to 32 customers in the Atlanta Terminal
Leadership and management of Atlanta Terminal that has continually ranked in the top 5 terminals in the Out of the Park terminal competition
Managed and coordinated operations through the 2004 One Plan change.
Management, motivation, scheduling and evaluation of 5 officers and 20 contract supervisors
Involvement in education of new hire conductor trainees in coordination and supervision of a full time conductor mentor

Terminal Manager, Mobile, Alabama (2001 to 2004)
Developed and implemented an aggressive safety action plan utilizing increased involvement and buy-in of all contract employees
Developed a yard matrix process for the Mobile terminal to insure switching efficiency and cost effectiveness
Education of employees in operational and safety rules through the Safety Leadership Process and operational testing
Coordination with class 1 railroads for safe and efficient handling of traffic through interchange



D-000350
CONFIDENTIAL

Development of subordinates into future management leaders with CSX

Trainmaster, Flomaton, Alabama (2000-2001)

Developed an aggressive operational process that maximized customer service and minimized cost for the M&M and PD subdivisions

Responsible for efficient management of the July 4, 2001 Engineering (Jamboree) on the M&M and PD subdivisions including the prep work and positioning of 3 miles of rail and over 100,000 cross ties.

Trainmaster, Columbus, Ohio (1999-2000)

Developed an operational process to insure improved customer service and reduced cost while maintaining a safe operation on the Columbus subdivision

Managed the training of 76 new hire conductor trainees during a 6 month hiring blitz on the Columbus Subdivision

Launched the transportation planning and operation for the Conrail (DAY 1) merger for the Columbus terminal and subdivision

Assistant Trainmaster, Richmond, Virginia (1997-1999)

Provided safe and efficient handling of all traffic on the Rappahannock, Piedmont and Peninsula subdivisions including Fulton Yard

In-depth coordination with 3 separate divisions, (the C&O business unit, Baltimore Service Lane and Florence Service Lane) in making tactical decisions in order to maximize customer service, corporate safety and minimize costs

Yardmaster, Huntington, West Virginia (1996-1997)

Directed safe, efficient and timely disposition of traffic in the South Charleston, Peach Creek, Hinton, Elk Run and Quinimont yards

PROFESSIONAL SKILLS:

Complete understanding of CSX rail network, line capacity and inventory management

Expertise in handling multi-million dollar customers and customer issues

Experience in educating, training and if needed, implementation of the process improvement policy for managers

Expertise in Performance Management's four phases to conduct a comprehensive review and critique of direct reports

Experience in managing the training process of new hire conductor trainees

Extensive derailment experience including FRA reportable, mainline, yard and industry

Complete understanding and usage of the IDPAP and SLP processes

Complete involvement and understanding of current Atlanta Division Safety Overlap Process

Comprehensive ability in handling personal injuries

Working knowledge of labor / union contacts and agreements including L&N, SCL, AJT, C&O Proper, B&O and RF&P agreements

Computer skills / literate in Window and PC systems and comprehensive knowledge of CSX Mainframe applications, CSX Gateway, NOW workstation and transportation workstations

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TERRANCE B. WALTON
 520 N. Bridgestone Ave.
 Jacksonville Fl. 32259
 (904) 287-9975 terry_walton@csx.com

DESCRIPTION: Proven leader with a history of success at various positions and levels of management.

· EXPERIENCE:

6/03 to Present: DIRECTOR PROCESS IMPROVEMENT, Jacksonville, FL 3
 · Successfully aided various terminals to improve their on time originations, RCRT, dwell and ODTOD.
 · Provided STP/YOP training for terminal management teams on the Florence division.
 · Managed improvement projects that reduced lease locomotive OOS and implemented CSXT locomotive Bad Actor program.

2/01 to 6/03: MANAGING DIRECTOR MECHANICAL OPERATIONS, CSX 2
 Transportation, Jacksonville, FL

· Managed three supervisors in the daily handling of mechanical locomotive and car issues throughout the CSX network.
 · Coordinated effort between the mechanical shop network and locomotive operations.

9/97 to 2/01: PLANT MANAGER, CSX Transportation, Waycross, GA. 4

· Provide leadership/organization for 21 supervisors/450 contract employees.
 · Implemented improved Maintenance Process at Waycross shops.
 · Responsible for the safe, cost effective maintenance of 1,049 Locomotives (60% GE, 40% EMD) assigned to Waycross.

5/96 to 9/97: MANAGER OF PRODUCTION, CSX Transportation, 18
 Waycross, GA.

· Provided leadership for the safe, quality, cost effective maintenance and repair of CSXT locomotive fleet as shift supervisor in Locomotive Shop.

7/84 to 5/96: CAPTAIN U. S. MARINE CORPS,
 · Executive Officer Recruiting Station-Planned and developed Recruiting structure for 80 recruiting personnel.

· Division Office in Charge-Provided for the leadership of three officers and 131 enlisted personnel.

· Supervised engineer projects that included the construction of roads, bridges, temporary airfields, and maintained heavy const. equipment, electrical distribution systems.

· Led unit as part of Operations Desert Shield/Desert Storm
 · Supervised 15 Drill Instructors in the training of 1000 recruits annually.



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EDUCATION: MBA (Master of Business Administration) Webster
University 2003
BS General Engineering, United States Naval Academy, May 1984
Certified Six Sigma Black Belt November 2004

AWARDS: Best Locomotive Q Shop 2000, Most Improved Locomotive Q
Shop 1998
Eastern Collegiate Boxing Champion, All American Boxer 1984

REFERENCES: Available upon request.

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

Ronald A. Hollon, Sr.,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 2:06-CV-1099-WKW
)	
CSX Transportation, Inc.,)	
)	
Defendant.)	

DECLARATION OF ROD WORKMAN

I, Rod Workman, do hereby swear and affirm as follows:

1. I am over 21 years of age and fully competent to make this Declaration. I make this Declaration of my own personal knowledge and for any uses allowed by law.
2. I am currently the General Manager of Operating Rules and Practices at CSX Transportation, Inc. ("CSXT"). Prior to holding my current position, I was the Division Manager of CSXT's Atlanta Division from approximately March 2005 to January 2007.
3. In March 2006, CSXT posted a vacancy for a Terminal Manager position in Montgomery, Alabama. The Montgomery terminal is part of the Atlanta Division, which is within CSXT's Southern Region. The Terminal Manager is the company officer responsible for all aspects of the terminal's operations. Candidates for this position were screened and selected for interview by Assistant Division Manager David Hamby. After interviewing the candidates, Mr. Hamby made a recommendation to me. I then reviewed Mr. Hamby's recommendations and made my own recommendation to Mike Pendergrass, Vice President of the Southern Region. Mr. Hamby indicated to me that he considered

Jason Tipton the best candidate for the Montgomery Terminal Manager position and I concurred. Ultimately, Mr. Pendergrass selected Mr. Tipton for the position in question.

6. In April 2006, CSXT also posted a vacancy for an Assistant Terminal Superintendent position in Atlanta, Georgia. The Atlanta Assistant Terminal Superintendent position is also a position within the Atlanta Division, and the process of filling this position was similar to the one used for filling the Montgomery Terminal Manager position. Mr. Hamby and Bill Dunlap, Terminal Superintendent in Atlanta, selected candidates for interview and made recommendations to me. I reviewed their recommendations. Mr. Hamby and Mr. Dunlap recommended Danny Spencer. I agreed with this recommendation and in turn recommended Mr. Spencer to Mr. Pendergrass. However, Mr. Pendergrass selected Terry Walton, another applicant, for the Assistant Terminal Superintendent position in Atlanta.

7. I understand that, in the spring of 2006, CSXT also posted a vacancy for an Assistant Manager of Customer Operations position in Jacksonville, Florida. That position is within CSXT's customer operations group, which is separate from both the Atlanta Division and the Southern Region. I have never had any responsibility over the customer operations group and I had no role in selecting candidates for that position.

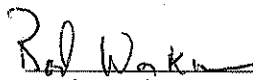
8. Until Mr. Hollon handed me his draft EEOC charge when I met with him on June 19, 2007 to inform him of his demotion, I was not aware of any complaints of age discrimination that Mr. Hollon had against CSXT. On one occasion, Mr. Hollon sent me an e-mail inquiring about how he could improve his chances of growing with the company. I did not construe this e-mail as a complaint by Mr. Hollon. Other than this e-mail, I do not recall any communications between Mr. Hollon and me about CSXT's hiring or

promotion practices, nor am I aware of any conversations that he may have had with other CSXT employees regarding the company's hiring or promotion practices.

11. Mr. Hollon was demoted in June 2006 and I am not aware of any positions to which Mr. Hollon has applied since that time.

Pursuant to 28 U.S.C. § 1746, I swear under penalty of perjury that the foregoing is true and correct.

Executed this 27 day of November, 2007.


Rod Workman

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

Ronald A. Hollon, Sr.,

Plaintiff,

V.

CSX Transportation, Inc.,

Defendant.

Civil Action No. 2:06-CV-1099-WKW

DECLARATION OF FRANK LEYHEW

I, Frank Leyhew, do hereby swear and affirm as follows:

1. I am over 21 years of age and fully competent to make this Declaration. I make this Declaration of my own personal knowledge and for any uses allowed by law.

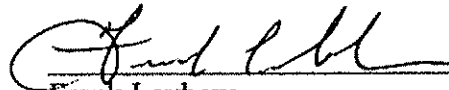
2. I am currently an employee of CSX Transportation, Inc. ("CSXT"). In 2006, I held the position of Manager Professional Recruiting for CSXT. In that role, I was involved in the process of recruiting and hiring individuals for various management positions.

3. According to company records, in April 2006, Ron Hollon applied for a Trainmaster position in Pensacola, Florida. As part of the application process, my colleagues and I screened applications to determine which applicants should be interviewed for various management positions. When we determined that an applicant would be invited to interview for a position, an administrative employee would be assigned the task of contacting the applicant to schedule an interview. The administrative employee would then notify me of the applicant's availability.

4. Although Mr. Hollon was selected for an interview, according to company records, I was notified that he did not respond to the interview request before the deadline. A copy of that record is attached as Exhibit A. Because he did not respond, he was not interviewed and, therefore, was not considered for the Pensacola Trainmaster position. If Mr. Hollon did not receive the interview invitation, I was not aware of that fact.

Pursuant to 28 U.S.C. § 1746, I swear under penalty of perjury that the foregoing is true and correct.

Executed this 30th day of November, 2007.


Frank Leyhew

Leyhew, Frank

Subject: Trainmaster Interviews (req #016101)
Location: Phone

Start: Tue 5/2/2006 9:00 AM
End: Tue 5/2/2006 1:00 PM

Recurrence: (none)

Meeting Status: Accepted

Required Attendees: Gefon, Dina; Frulla, Bob Jr.; Miller, Jeff; Leyhew, Frank

9:00am	Bill Setser	904-214-9534
9:45am	Ken Williams	205-620-0978
10:30am	Jerry Holzworth	RNX291-4142
11:15am	OPEN-waiting for Ron Hollon (will update)	
12:00pm	OPEN-waiting for Stephen Miskimens (will update)	

Bob Frulla - Division Manager Jacksonville Division
Rnx - 426-6766

Jeff Miller - Superintendent Line of Road
Jacksonville Division



**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

Ronald A. Hollon, Sr.,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 2:06-CV-1099-WKW
)	
CSX Transportation, Inc.,)	
)	
Defendant.)	

DECLARATION OF REBECCA CALLAHAN

I, Rebecca Callahan, do hereby swear and affirm as follows:

1. I am over 21 years of age and fully competent to make this Declaration. I make this Declaration of my own personal knowledge and for any uses allowed by law.
2. I am the Director Executive Recruiting in CSX Transportation, Inc.'s management staffing department. In that role, I have responsibility for supervising and managing employees who post management job openings on the company's intranet.
3. CSXT uses a PeopleSoft program called "E-Recruit" to manage the process of filling management job openings. When a management job opening is posted at CSXT, the E-Recruit system assigns a requisition number for the job opening. For positions with multiple openings, the company clones a requisition as only one person can be hired per requisition. When the requisition is cloned, it takes on all the properties of the original requisition. Since requisitions are usually programmed to be posted for 7 days, a human resources employee must manually adjust the cloned requisition in the "E-Recruit" program so that the requisition does not continue to be posted. Until the cloned requisition is adjusted, it is posted on the company's intranet and available to be viewed by

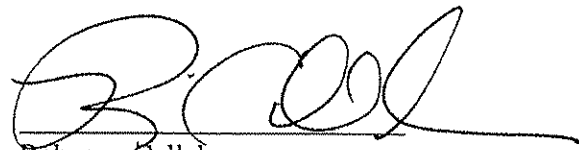
employees. When requisitions are cloned because there are multiple openings, the cloned requisitions do not necessarily reflect unfilled positions and the company does not intend for applicants to apply for those cloned requisitions.

4. I have reviewed the company's file regarding an Assistant Manager of Customer Operations position in Jacksonville, Florida that was assigned a requisition number of 015462. Because two openings were available in that position, the company hired two individuals for that position – Aldred Odom and Timothy Grayson – from the pool of applicants who applied for the posting assigned requisition number 015462. After the hiring decisions had already been made, requisition no. 015462 was cloned and was assigned a requisition number of 015882. Ron Hollon appears to have applied for this position on March 10, 2006 during the short period of time that the cloned requisition was being adjusted in the “E-Recruit” program. The position was never intended to be posted on March 10, 2006, as the position had already been filled.

5. CSXT's records regarding the Assistant Manager of Customer Operations position include the resumes of Mr. Odom and Mr. Grayson. In their respective resumes, both Mr. Odom and Mr. Grayson indicated that they were proficient with various computer systems related to the assistant manager of customer operations position. Copies of Mr. Odom's and Mr. Grayson's resumes from CSXT's files are attached to this declaration as Exhibits A and B.

Pursuant to 28 U.S.C. § 1746, I swear under penalty of perjury that the foregoing is true and correct.

Executed this 30 day of November, 2007.



Rebecca Callahan

1169 Emily's Walk Lane W. Jacksonville, FL 32221
(904) 693-4842H (904) 226-4714 C
Al_Odom@CSX.com

Alfred T. Odom

Objective

To be an important part of the changes taking place at CSX, playing a larger role in the evolution of this company. Confident in my skills to help CSX grow, I feel that I can add to CSX's diversified portfolio of effective leaders.

Education

Bachelor of Science in Business Administration University of Phoenix Jacksonville, FL
65 of 110 Credit hours completed. GPA 3.87

Summary of qualifications

- An effective communicator, motivator, and mentor. Proactively trained over 4,000 conductors to use the OBWO device during implementation initiative.
- 15 years of experience working extensive hours, intensive travel and working on call. Travel the entire CSX system for 22 months to implement the Onboard System.
- 15 years of experience in air and ground transportation. Departments include but not limited to Administrative, Customer Service, Management, Training, Career Counselor, Transportation and Mechanical Operations, Accounting, and Quality Assurance.
- Strong analytical, organization and planning ability.
- Disciplined Manager with Leadership skills. As Administrative Office Manager of US Navy- managed, evaluated and disciplined staff of 23 plus personnel.
- Extremely physically fit. Required as conductor to walk three to five miles daily on uneven railroad ballast.
- 9 years of familiarity on Jacksonville Division railways as a Conductor, Engineer, Remote Control Operator.
- Thorough understanding in FRA, CSX operating rules, and UTU and BLE contract.
- Highly proficient prioritizing and organizational skills. Lauded by senior management for proactively developing and managing personnel schedule that resulted in improved personnel moral and proved cost effective to annual budget.
- Consistently selected by senior management to lead in more challenging supervisory positions.
- Highly proficient with computers. Working knowledge of CSX mainframe- STEPS, AEI Studio, Cops, Car and Train, Yard System, OBWO, IIDS, TCIS, etc..
- Active Toast Masters Member.

Work experience



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02/03 to Present CSX Transportation, OBRS Field Implementation Team
Conductor Trainer

- Investigate, research and evaluate onboard computers and equipment for swift attention from proper technology department or replacement if necessary. Reduced replacement-shipping cost by 35 percent in 2005.
- Advise technology department during testing and design phase of OBWO POD course and device on enhancements that will reach 10,000 untrained conductors.
- One of three conductors that man the OBWO Help Desk to handle CSX employee questions about car movements and procedural steps in using the OBWO device and Dashboard application.
- Collateral duties include- Managing personnel schedule for onboard desk, research and follow-up technical discrepancy tickets with TCIS, track onboard shipments, etc.
- Evaluate and investigate conductor noncompliance while advising and assisting terminal managers in reaching their compliance goals.
- Leadership and presentation skills used during field implementation classroom training sessions. Increased conductor logon compliance with OBWO jobs from 67 percent in 2004 to 95.0 percent in 2005.
- Handle work order profile issue.

06/02 to 02/03 CSX Transportation, FRA Certified Remote Control Operator

- One of the first three Locomotive Engineers in Jacksonville to be Licensed and Certified by FRA to operate CSX RCO engines.
- Performs Daily Inspections on CSX Locomotives.
- Safely operates remote control engines in daily yard operations with zero incidents.

to 02/03 CSX Transportation, FRA Certified Locomotive Engineer

- Safely Expedites CSX Intermodal, Coal, Mix Freight and Hazardous Unit Trains to destinations over the Jacksonville Terminal with zero incidents.
- Performs Daily Inspections on CSX Locomotives.
- Trains new hire Engineers to safely operate Trains over the Jacksonville Terminal in Road and Yard Operation.

08/97 to 02/03 CSX Transportation, Yard Conductor and Foreman

- Safely, accurately and effectively handles cars in yard classification operations.
- Maintains customer focus while working hand-in-hand with CSX customers to resolve issues in industrial switching operations.
- Trains new hire conductors, brakemen and switchmen.

08/90 to 08/97 United States Navy, Supervisor Mechanical OPS. Office manager for Intermediate Maintenance Department.

- Handled \$15 Million Shipping and Receiving Fiscal Budget for power plants department.
- Coordinates and prioritizes issuing of Intermediate Level Maintenance for Aircraft, Aeronautical and Personal Protective Equipment (PPE) at NAS Jacksonville.
- Manages Mechanical Accounting, Logs and Records.
- Proactively works to resolve customer issues.

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9916 Wiltshire Manor
Riverview, FL 33569
Phone (813) 546-0175
Chad_Grayson@csx.com

T. Chad Grayson

Objective

Asst Mgr Customer Operations (Job Posting Number 015462)
Education 1998 - 1999 Darton College Albany, GA 1994 & 1998
Cairo High School Cairo, GA High
School Diploma

Summary of qualifications

- Highly customer focused with extensive internal and external customer service experience. Highly proficient with computers. Working knowledge of STEPS, AEI Studio, Yard System, OBWO.
- Demonstrated Commitment to Safety with a perfect safety record for past 4 years.
- Dedicated to Teamwork. Collaborated efforts helped increase conductor log on compliance with OBWO jobs to 90.7 percent 2005 from 83.5 percent in 2004 and 72 percent in 2003.
- Created buy-in and overcame resistance to technology and change during field implementation of the On Board Work Order reporting system in group, individual, and OJT training sessions.
- Supported CSX company initiatives to improve the accuracy, completeness, and timeliness of data reporting coming in from the field.
- Exemplary problem solving skills as Subject Matter Expert on the On Board Work Order Help Desk.
- Effective written and oral communication skills.
- Superb analytical and problem solving skills.
- Thorough understanding in FRA, CSX operating rules, and UTU contract.

Work experience

- Mar 04 & Present CSX Transportation, OBRS Help Desk
- Evaluated On Board computers and equipment for swift attention from the proper communications department or replacement if necessary, reducing replacement shipping cost by 35 percent in 2005.
 - Increased work order instruction reporting percentages from 67 percent in 2004 to 89.0 percent in 2005.
 - One of three conductors that man the OBWO Help Desk to handle CSX employee procedural training on the OBWO device, field questions about car movement events, and instructed officials on the use of the OBWO Siebel Dashboard to review measurements.



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- Handle conductor non-compliance issues while advising and assisting terminal managers to reach their compliance goals.

- Researches and handles onboard computer issues in support of the warehouse.

.Apr 03 & Mar 04 CSX Transportation, OBRS Field Implementation Team
Conductor Trainer

- Proactively trained over 4,000 conductors to use the OBWO device during implementation initiative.

- Advises technology department during test phase of device enhancements to improve functionality and design of OBWO device.

- Handle conductor non-compliance issues while advising and assisting terminal managers to reach their compliance goals.

- Investigates and handles onboard computer issues.

May 02 & Apr 03 CSX Transportation, Road Conductor

- Safely, accurately and effectively moved trains from one destination to another with a perfect safety and accident record.

- Maintains customer focus while working hand-in-hand with CSX customers to resolve issues in industrial switching operations.

- Trains new hire conductors, brakemen and switchmen.

June 98 & Apr 02 Knight Equipment, Parts Department

Converted Half a Million Dollars of parts from paper to computerized inventory control system.

- Maintain and control parts inventory.

- Handle shipping and receiving for heavy equipment.

- Insure completion of shop work orders

- Minor hydraulic equipment repair.

Other Training

- CSX Operating Rules Certified.

- FRA Certified

- Hazmat Safety Training

References

Rodney Barber- Supt Field OPS Coordination (work 279-5363)

Otis Foltz- Manager Field Implementation (work 279-4218)

Neal Sharpton- Manager Customer Support (work 279-7345)

Brent Humber- Trainmaster (cell 622-6790)

Danny Hammond- Manager Customer OPS (cell 904-813-5308)

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